

IN THE SUPREME COURT OF FLORIDA

Case No. : SC16-1518

L.T. Case No. 3D16-1804

JAMES BARRY WRIGHT

Petitioner,

-VS.-

**CITY OF MIAMI GARDENS, a municipal corporation, RONETTA
TAYLOR, in her official capacity as Clerk for the City of Miami Gardens and
CHRISTINA WHITE, in her official capacity as the Miami-Dade County
Supervisor of Elections**
Respondents.

**RESPONDENTS, MIAMI GARDENS and RONETTA TAYLOR'S
SUPPLEMENTAL APPENDIX**

**ON REVIEW FROM THE THIRD DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA**

JUAN-CARLOS "J.C." PLANAS
Florida Bar No. 156167
KYMP LLP
600 Brickell Avenue, Suite 1715
Miami, Florida 33131
Telephone: 305-531-2424
Email: jcplanas@kymplaw.com

SONJA K. DICKENS
Fla. Bar No. 040045
CITY OF MIAMI GARDENS
18605 N.W. 27th Avenue
Miami Gardens FL, 33056
Telephone: 305-662-8000, ext. 2810
Email: sdickens@miamigardens-fl.gov

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ORIGINAL COMPLAINT

☒ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.



DIVISION

☒ CIVIL ☐ OTHER
☐ DISTRICTS

CIVIL ACTION SUMMONS (b)
Form for Personal Service on a Natural Person

CASE NUMBER

16-16248CA01(24)

PLAINTIFF(S)

JAMES BARRY WRIGHT

VS. DEFENDANT(S)

CITY of MIAMI GARDENS, FL,
A MUNICIPAL CORPORATION, MIAMI
GARDENS, FL 33056

CLOCK IN

THE STATE OF FLORIDA: TO EACH SHERIFF OF THE STATE, YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this lawsuit on defendant:

To Defendant(s):

CITY of MIAMI GARDENS

Address:

18005 NW 27 AVE MIAMI GARDENS, FL
33056

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response with the Clerk of the Court, you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below. The central location of the Clerk's office is at the Dade County Courthouse. The address for the courthouse, and branch locations are listed below for your convenience:

"For those unable to pay for an attorney, information on how to seek free legal assistance can be found at www.dadecountyprobono.org."

MIAMI-DADE COUNTY COURT LOCATIONS

☐ **Dade County Courthouse** (05)
Room 133
73 West Flagler Street
Miami, FL 33130

☐ **Martin Luther King Office** (20)
2525 N.W. 62nd Street
Room 1200 A
Miami, FL 33147

☐ **Hialeah District Court** (21)
Room 100
11 East 6th Street
Hialeah, FL 33010

☐ **North Dade Justice Center** (23)
Room 100
15555 Biscayne Blvd.
North Miami Beach, FL 33160

☐ **Miami Beach District Court** (24)
Room 200
1130 Washington Avenue
Miami Beach, FL 33139

☐ **Coral Gables District Court** (25)
Room 100
3100 Ponce De Leon Blvd.
Coral Gables, FL 33134

☐ **South Dade Justice Center** (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189

SERVICE

Plaintiff/Plaintiff Attorney

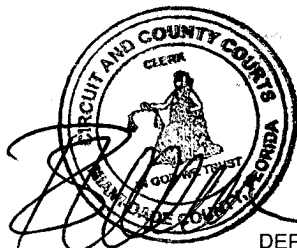
J. WRIGHT

Florida Bar No.

Address:

3816 HOLLYWOOD BLVD, STE 203 HOLLYWOOD, FL 33021-6750

CLERK OF COURTS
HARVEY RUVIN



DEPUTY CLERK

DATE ON:

JUN 30 2016

AMERICANS WITH DISABILITIES ACT OF 1990
ADA NOTICE

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

☒ EN LA CORTE DE CIRCUITO DEL UNDECIMO CIRCUITO JUDICIAL EN Y PARA EL CONDADO DE MIAMI-DADE, LA FLORIDA.

☐ EN EL TRIBUNAL DEL CONDADO EN Y PARA EL CONDADO MIAMI-DADE, LA FLORIDA.



DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> OTRA <input type="checkbox"/> DISTRITO	EMPLAZAMIENTO DE ACCION CIVIL (b) NOTIFICACION PERSONAL A PERSONA NATURAL	NUMERO DE CASO
DEMANDANTE(S) <i>JAMES BARRY WRIGHT</i>	VS. DEMANDADO(S) <i>CITY OF MIAMI GARDENS, A FLORIDA MUNICIPAL CORPORATION</i>	HORA

EL ESTADO DE LA FLORIDA: A cada alguacil del Estado: Se le ordena que hagan entrega de esta notificación y una copia de la demanda en este pleito al demandado(s) mencionada arriba.

A Demandado(s): *CITY OF MIAMI GARDENS* Dirección: *18005 W 27th AVE MIAMI GARDENS, FL 33056*

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal (Legal Aid Office) o un servicio de referencia de abogados (Attorney Referral Service) que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar en la mano una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante) y presentar su contestación a la demanda al Secretario del Juzgado. La ubicación central de la Oficina del Secretario está en el edificio de la Corte del Condado de Dade. La dirección de la Corte, y de las sucursales aparecen en la lista siguiente para su conveniencia:

"Para aquellas personas que no puedan pagar un abogado, la información sobre como solicitar asistencia legal gratuita se puede encontrar en www.dadecountyprobono.org."

LOCALIDAD DE LOS TRIBUNALES DEL CONDADO DE MIAMI-DADE

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, FL 33130 | <input type="checkbox"/> Martin Luther King Office (20)
2525 N.W. 62nd Street
Room 1200 A
Miami, FL 33147 | <input type="checkbox"/> Hialeah District Court (21)
Room 100
11 East 6th Street
Hialeah, FL 33010 | <input type="checkbox"/> North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
North Miami Beach, FL 33160 |
| <input type="checkbox"/> Miami Beach District Court (24)
Room 200
1130 Washington Avenue
Miami Beach, FL 33139 | <input type="checkbox"/> Coral Gables District Court (25)
Room 100
3100 Ponce De Leon Blvd.
Coral Gables, FL 33134 | <input type="checkbox"/> South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189 | Servicio |

Demandante o Abogado del Demandante:
J. WRIGHT
Número del Colegio de Abogados:

Dirección:
3816 HOLLYWOOD BLVD, STE 203 HOLLYWOOD, FL 33021

HARVEY RUVIN Secretario del Tribunal del Condado	FECHA
Como Secretario Adjunto	

Ley para Estadounidenses con Incapacidades

"Si usted es una persona minusválida que necesita hacer arreglos para poder participar en este proceso, usted tiene derecho, sin gasto alguno, a que se le provea cierta ayuda. Por favor póngase en contacto con el Coordinador de ADA en el Onceavo Distrito Judicial ubicado en el Lawson E. Thomas Courthouse Center, 175 NW 1st Ave, Sala 2702, Miami FL 33128, Teléfonos (305)349-7175; TDD (305) 349-7174, Fax (305) 349-7355 por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales; o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711."

☒ AU TRIBUNAL DU ONZIEME ARRONDISSEMENT JUDICIAIRE DANS ET POUR MIAMI-DADE, FLORIDE.

☐ AU TRIBUNAL DE JUGEMENT ET POUR LE DEPARTENT DE MIAMI-DADE, FLORIDE.



DIVIZYON <input checked="" type="checkbox"/> CIVILE <input type="checkbox"/> AUTRE <input type="checkbox"/> DISTRICT	CONVOCARION D' ACTION CIVILE (b) LIVRAI ON PERSONNELLE A UNE PERSONNE	NUMERO DE CAS
PLAINT (S) JAMES BARRY WRIGHT	VS. CONTRE ACCUSE(S) CITY OF MIAMI GARDENS, A FLORIDA MUNICIPAL CORPORATION	HEURE IN

L'TAT DE LA FLORIDE: A chaque sherif de l'etat vous etes oblige de presenter cette citation et une photocopie de la plainte de ce document sur l'accuse (e) ci-desus.

A (AUX) ACCUSE(S):

CITY OF MIAMI GARDENS, FL

ADRESSE::

18605 W 2nd AVE MIAMI GARDENS, FL 33056

IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir a de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simole coup de telephone est insoffisant pour vous proteger. Vous etes obliges de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas aotre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrite au "Plaintiff/Plaintiffs Attorney" (Plaignant ou a son avocat) nomme ci-dessous et enregistrer votre reponse avec le Greffier du Tribunal. L'adresse centrale du bureau du Greffier est le Dade County Courthouse. L'adresse du tribunal, et l'adresse des succursales sont dans ci-dessous pour votre convenance

"Pour ceux qui ne peuvent payer un avocat, des informations sur la façon de demander de l'aide juridique gratuite peut être trouvé à www.dadecountyprobono.org"

ADRESSES DES TRIBUNAUX EN MIAMI-DADE

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, FL 33130 | <input type="checkbox"/> Martin Luther King Office (20)
2525 N.W. 62nd Street
Room 1200 A
Miami, FL 33147 | <input type="checkbox"/> Hialeah District Court (21)
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North Miami Beach, FL 33160 |
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Room 100
3100 Ponce De Leon Blvd.
Coral Gables, FL 33134 | <input type="checkbox"/> South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189 | UN SERVICE |

Plainte/Avocat du Plainte

J WRIGHT

Numero de barreau de la Floride:

Adresse:

3814 HOLLYWOOD BLVD, STE 203
HOLLYWOOD, FL 33021-0750

DATE:

HARVEY RUVIN
Greffier de Tribunal

COMME GREFFIER ADJOINT

ACT DE 1990 POUR AMERICAINS HANDICAPES

AVIS DE L' ADA

"Si vous êtes une personne handicapée qui a besoin d'accommodement pour pouvoir participer à cette procédure, vous avez le droit, sans aucun coût, d'avoir de l'aide à votre disposition. S'il vous plaît contacter le Coordinateur de l'ADA du Tribunal de l'Onzième Circuit Judiciaire, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave. Suite 2702, Miami, FL. 33128, Téléphone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 au moins 7 jours avant la date de comparution au tribunal, ou bien immédiatement après avoir reçu cet avis si la date avant la comparution est moins de 7 jours; si vous avez une incapacité pour entendre ou parler, appelez le 711."

- ☒ NAN TRIBINAL ITINERAN NAN ONZYÈM AWONDISMAN JIDISYÈ NAN E POU KONTE MIAMI-DADE, FLORIDA
☐ NAN TRIBINAL E POU TRIBINAL NAN MIAMI-DADE COUNTY, FLORIDA



DIVIZYON <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> LÒT <input type="checkbox"/> DISTRI	KONVOKASYON POU KA CIVIL (b) DELIVRE PERSONELMAN BAY YON MOUN	NIMEWO KA
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PLENTIF (S) JAMES BARRY WRIGHT	VS. KONT AKIZE(S) CITY OF MIAMI GARDENS, FL, A FLORIDA MUNICIPAL CORPORATION	LE
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ETA FLORIDA: Pou Chak nan eta a yo odone ou pou bay akize a (yo), non l ekri anwo a, manda sa a ak yon kopi yo pote nan pwose sa a.:

AKIZE: CITY OF MIAMI GARDENS	ADRES:: 18005 NW 27th Ave MIAMI GARDENS, FL 33056
---	---

ENPOTAN

Yo entre yon aksyon kont oumeum. Ou genyen 20 jou kalandriye apres ou recevoi somasyon-an pou enregistre devan grefie tribinal-sa, yon reponce pa ecri attache avec plent-la. Yon apel pa telefon ka kapab protege-ou. Se yon repense pa ecri, fo ou mete numero ka-a ki sou tet pagela avec nom moun-ye ki sou papie-sa oblige ecri si ou vle ke tribinal-la tende position-ou cou ka-a. Si ou pa enregistre reponce-ou a l'heure ou capab pedu ka-a san tribinal la pa anounce-ou en yen, ou capab pedu l'agen ou ak byen ou. Genyen lot demande. Ou ka besoin telephone yon avoka tout de suit. Si ou pa lonen yon avoka, ou ka rele sevis ki rekomande avoka, ou biro ede legal (ki nan lis liv telephone).

Si ou shois voye yon reponce pa ecri oumenm, ou suppose en mem tan poste en mem tan poste on pote on copi response pa ecri pou avoka pleyan ou pleyan-ye ke non-li ama-a et enregistre reponce-la nan tribinal-la ki lokalize nan avek Sekrete Tribinal. Adres santral biwo Sekrete a se Dade County Courthouse. Adres tribinal la, ak adres lot tribinal yo nan lis ki anba a pou ou ka jwenn yo alez:

"Pou moun ki pa an mezi peye pou pran yon avoka, yo kapab jwenn enfòmasyon sou kijan pou yo chèche jwenn assistans legal gratis nan www.dadecountyprobono.org."

ADRES TRIBINAL NAN MIAMI-DADE COUNTY

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, FL 33130 | <input type="checkbox"/> Martin Luther King Office (20)
2525 N.W. 62nd Street
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Coral Gables, FL 33134 | <input type="checkbox"/> South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189 | SERVICE |

Plainte/Avocat du Plaint **JWRIGHT**
 Numero de barreau de la Floride:

Nimewo manm avoka a.
3816 HOLLYWOOD BLVD, STE 203
HOLLYWOOD, FL 33021-0750
 Address:

HARVEY RUVIN Sekrete Jeneral Tribinal La	DATE:
---	--------------

SEKRETE

LWA 1990 POU AMERIKEN KI ENFIM
ANONS POU AMERIKEN KI ENFIM

"Si ou se yon moun ki enfim e ou bezwen akomodasyon pou ou patisipe nan pwosedi sa a, ou gen dwa pou yo ba ou kèk èd san ou pa gen pou ou peye. Silvouplè kontakte Kowòdinatè ADA pou Tribinal Onzyèm Distrik Jidisyè a nan: Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telefòn (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 omwen 7 jou anvan ou gen randevou pou ou parèt nan tribinal la, oubyen imedyatman lè ou resevwa notifikasyon sa a si ou gen mwens ke 7 jou pou ou parèt nan tribinal la; si ou gen difikilte pou ou tande oubyen pale, rele 711."

☒ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.



DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> OTHER <input type="checkbox"/> DISTRICTS	CIVIL ACTION SUMMONS (b) Form for Personal Service on a Natural Person 16-16248CA01(04)	CASE NUMBER
PLAINTIFF(S) <i>JAMES BARRY WRIGHT</i>	VS. DEFENDANT(S) <i>CITY of MIAMI GARDENS, FL, A MUNICIPAL CORPORATION, MIAMI GARDENS, FL 33056</i>	CLOCK IN

THE STATE OF FLORIDA: TO EACH SHERIFF OF THE STATE, YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this lawsuit on defendant:

To Defendant(s): <i>CITY of MIAMI GARDENS</i>	Address: <i>18605 N.W. 27 AVE MIAMI GARDENS, FL 33056</i>
--	--

IMPORTANT

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MIAMI-DADE COUNTY COURT LOCATIONS

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3100 Ponce De Leon Blvd.
Coral Gables, FL 33134 | <input type="checkbox"/> South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189 | SERVICE |

Plaintiff/Plaintiff Attorney
Florida Bar No. *J. WRIGHT*

Address:
3816 HOLLYWOOD BLVD, STE 203 HOLLYWOOD, FL 33021-6780

CLERK OF COURTS
HARVEY RUVIN

Rose O'Connor 79803

DEPUTY CLERK

DATE ON:

JUN 30 2016

**AMERICANS WITH DISABILITIES ACT OF 1990
ADA NOTICE**

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

☒ EN LA CORTE DE CIRCUITO DEL UNDECIMO CIRCUITO JUDICIAL EN Y PARA EL CONDADO DE MIAMI-DADE, LA FLORIDA.
☐ EN EL TRIBUNAL DEL CONDADO EN Y PARA EL CONDADO MIAMI-DADE, LA FLORIDA.



DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> OTRA <input type="checkbox"/> DISTRITO	EMPLAZAMIENTO DE ACCION CIVIL (b) NOTIFICACION PERSONAL A PERSONA NATURAL	NUMERO DE CASO
DEMANDANTE(S) <i>JAMES BARRY WRIGHT</i>	VS. DEMANDADO(S) <i>CITY OF MIAMI GARDENS, A FLORIDA MUNICIPAL CORPORATION</i>	HORA

EL ESTADO DE LA FLORIDA: A cada alguacil del Estado: Se le ordena que hagan entrega de esta notificación y una copia de la demanda en este pleito al demandado(s) mencionada arriba.

A Demandado(s): <i>CITY OF MIAMI GARDENS</i>	Dirección: <i>18005 N 27AVE MIAMI GARDENS, FL 33056</i>
--	---

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal (Legal Aid Office) o un servicio de referencia de abogados (Attorney Referral Service) que aparecen en la guía telefónica.

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LOCALIDAD DE LOS TRIBUNALES DEL CONDADO DE MIAMI-DADE

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Dade County Courthouse (05)
Room 133
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3100 Ponce De Leon Blvd.
Coral Gables, FL 33134 | <input type="checkbox"/> South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189 | Servicio |

Demandante o Abogado del Demandante: <i>J. WRIGHT</i>	Dirección: <i>3816 HOLLYWOOD BLVD, STE 203 HOLLYWOOD, FL 33021</i>
Número del Colegio de Abogados:	

HARVEY RUVIN Secretario del Tribunal del Condado	FECHA
Como Secretario Adjunto	

Ley para Estadounidenses con Incapacidades

"Si usted es una persona minusválida que necesita hacer arreglos para poder participar en este proceso, usted tiene derecho, sin gasto alguno, a que se le provea cierta ayuda. Por favor póngase en contacto con el Coordinador de ADA en el Onceavo Distrito Judicial ubicado en el Lawson E. Thomas Courthouse Center, 175 NW 1st Ave, Sala 2702, Miami FL 33128, Teléfonos (305)349-7175; TDD (305) 349-7174, Fax (305) 349-7355 por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales; o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711."

☒ AU TRIBUNAL DU ONZIEME ARRONDISSEMENT JUDICIAIRE DANS ET POUR MIAMI-DADE, FLORIDE.

☐ AU TRIBUNAL DE JUGEMENT ET POUR LE DEPARTENT DE MIAMI-DADE, FLORIDE.



DIVIZION <input checked="" type="checkbox"/> CIVILE <input type="checkbox"/> AUTRE <input type="checkbox"/> DISTRICT	CONVOCARION D' ACTION CIVILE (b) LIVRAI ON PERSONNELLE A UNE PERSONNE	NUMERO DE CAS
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PLAINT (S) <i>JAMES BARRY WRIGHT</i>	VS. CONTRE ACCUSE(S) <i>CITY OF MIAMI GARDENS, A FLORIDA MUNICIPAL CORPORATION</i>	HEURE IN
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L'TAT DE LA FLORIDE: A chaque sherif de l'etat vous etes oblige de presenter cette citation et une photocopie de la plainte de ce document sur l'accuse (e) ci-desus.

A (AUX) ACCUSE(S): <i>CITY of MIAMI GARDEN, FL</i>	ADRESSE: <i>18605 NW 27th AVE MIAMI GARDEN, FL 33056</i>
---	---

IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir a de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simole coup de telephone est insuffisant pour vous proteger. Vous etes obliges de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas aotre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrite au "Plaintif/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme ci-dessous et enregistrer votre reponse avec le Greffier du Tribunal. L'adresse centrale du bureau du Greffier est le Dade County Courthouse. L'adresse du tribunal, et l'adresse des succursales sont dans ci-dessous pour votre convenance

"Pour ceux qui ne peuvent payer un avocat, des informations sur la façon de demander de l'aide juridique gratuite peut être trouvé à www.dadecountyprobono.org"

ADRESSES DES TRIBUNAUX EN MIAMI-DADE

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, FL 33130 | <input type="checkbox"/> Martin Luther King Office (20)
2525 N.W. 62nd Street
Room 1200 A
Miami, FL 33147 | <input type="checkbox"/> Hialeah District Court (21)
Room 100
11 East 6th Street
Hialeah, FL 33010 | <input type="checkbox"/> North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
North Miami Beach, FL 33160 |
| <input type="checkbox"/> Miami Beach District Court (24)
Room 200
1130 Washington Avenue
Miami Beach, FL 33139 | <input type="checkbox"/> Coral Gables District Court (25)
Room 100
3100 Ponce De Leon Blvd.
Coral Gables, FL 33134 | <input type="checkbox"/> South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, FL 33189 | UN SERVICE |

Plainte/Avocat du Plainte <i>J WRIGHT</i>	Adresse: <i>3816 HOLLYWOOD BLVD, STE 203 HOLLYWOOD, FL 33021-0750</i>
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Numero de barreau de la Floride:	DATE:
HARVEY RUVIN Greffier de Tribunal	
COMME GREFFIER ADJOINT	

**ACT DE 1990 POUR AMERICAINS HANDICAPES
AVIS DE L' ADA**

"Si vous êtes une personne handicapée qui a besoin d'accommodement pour pouvoir participer à cette procédure, vous avez le droit, sans aucun coût, d'avoir de l'aide à votre disposition. S'il vous plaît contacter le Coordinateur de l'ADA du Tribunal de l'Onzième Circuit Judiciaire, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave. Suite 2702, Miami, FL. 33128, Téléphone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 au moins 7 jours avant la date de comparution au tribunal, ou bien immédiatement après avoir reçu cet avis si la date avant la comparution est moins de 7 jours; si vous avez une incapacité pour entendre ou parler, appelez le 711."

<input checked="" type="checkbox"/> NAN TRIBINAL ITINERAN NAN ONZYÈM AWONDISMAN JIDISYÈ NAN E POU KONTE MIAMI-DADE, FLORIDA <input type="checkbox"/> NAN TRIBINAL E POU TRIBINAL NAN MIAMI-DADE COUNTY, FLORIDA											
DIVIZYON <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> LÒT <input type="checkbox"/> DISTRI	KONVOKASYON POU KA CIVIL (b) DELIVRE PERSONELMAN BAY YON MOUN	NIMEWO KA									
PLENTIF (S) <i>JAMES BARRY WRIGHT</i>	VS. KONT AKIZE(S) <i>CITY OF MIAMI GARDENS, FL, A FLORIDA MUNICIPAL CORPORATION</i>	LE									
ETA FLORIDA: Pou Chak nan eta a yo odone ou pou bay akize a (yo), non l ekri anwo a, manda sa a ak yon kopi yo pote nan pwose sa a.:											
AKIZE: <i>CITY OF MIAMI GARDENS</i>		ADRES:: <i>18005 NW 27 AVE MIAMI GARDENS, FL 33056</i>									
ENPOTAN											
<p>Yo entre yon aksyon kont oumeum. Ou genyen 20 jou kalandriye apres ou recevoi somasyon-an pou enregistre devan grefie tribinal-sa, yon reponce pa ecri attache avec plent-la. Yon apel pa telefon ka kapab protege-ou. Se yon repense pa ecri, fo ou mete numero ka-a ki sou tet pagela avec nom mounne-yo ki sou papie-sa oblige ecri si ou vle ke tribinal-la tende position-ou cou ka-a. Si ou pa enregistre reponce-ou a l'heure ou capab pedu ka-a san tribinal la pa anounce-ou en yen, ou capab pedu l'agen ou ak byen ou. Genyen lot demande. Ou ka besoin telephone yon avoka tout de suit. Si ou pa lonen yon avoka, ou ka rele sevis ki rekomande avoka, ou biro ede legal (ki nan lis liv telephone).</p> <p>Si ou shois voye yon reponce pa ecri oumenm, ou suppose en mem tan poste en mem tan poste on pote on copi response pa ecri pou avoka pleyan ou pleyan-yo ke non-li ama-a et enregistre reponce-la nan tribinal-la ki localize nan avek Sekrete Tribinal. Adres santral biwo Sekrete a se Dade County Courthouse. Adres tribinal la, ak adres lot tribinal yo nan lis ki anba a pou ou ka jwenn yo alez:</p> <p><u>"Pou moun ki pa an mezi peye pou pran yon avoka, yo kapab jwenn enfòmasyon sou kijan pou yo chèche jwenn assistans legal gratis nan www.dadecountyprobono.org."</u></p>											
ADRES TRIBINAL NAN MIAMI-DADE COUNTY											
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Numero de barreau de la Floride:		DATE:									
HARVEY RUVIN Sekrete Jeneral Tribinal La		SEKRETE									
LWA 1990 POU AMERIKEN KI ENFIM ANONS POU AMERIKEN KI ENFIM											
<p>"Si ou se yon moun ki enfim e ou bezwen akomodasyon pou ou patisipe nan pwosedi sa a, ou gen dwa pou yo ba ou kèk èd san ou pa gen pou ou peye. Silvouplè kontakte Kowòdinatè ADA pou Tribinal Onzyèm Distrik Jidisyè a nan: Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telefòn (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 omwen 7 jou anvan ou gen randevou pou ou parèt nan tribinal la, oubyen imedyatman lè ou resevwa notifikasyon sa a si ou gen mwens ke 7 jou pou ou parèt nan tribinal la; si ou gen difikilte pou ou tande oubyen pale, rele 711."</p>											

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY

JAMES BARRY WRIGHT,

Plaintiff,

v.

Case No. _____
CIVIL DIVISION

16-16248 CA01 (64)

CITY OF MIAMI GARDENS, a
Florida municipal corporation, and
RONETTA TAYLOR, the
City of Miami Gardens City Clerk,
in her official capacity,

Defendants \

FILED FOR RECORD
2016 JUN 30 AM 11:05
11TH CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLORIDA
23

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
TO ENJOIN THE CITY'S JUNE 20, 2016, CANDIDATE DISQUALIFICATION,
ALTERNATIVELY, TO ENJOIN THE REMOVAL OF CANDIDATE NAME FROM
THE AUGUST 30, 2016 GENERAL ELECTION BALLOT**

COMES NOW, Plaintiff, JAMES BARRY WRIGHT ("Plaintiff"), and files this
Complaint for Declaratory and Injunctive Relief against the City of Miami Gardens ("City"), a
municipality of the State of Florida, and Ronetta Taylor, the Miami Gardens City Clerk ("City
Clerk", in her official capacity, and in support thereof alleges as follows:

INTRODUCTION

1. This is an action for declaratory and injunctive relief for the purpose of enjoining
the City of Miami Gardens from disqualifying Plaintiff from the August 30, 2016, General
Election ("General Election"), alternatively, to enjoin the City from the removal of Plaintiff's
name from the August 30, 2016, General Election Ballot.

2. On June 20, 2016, the City Clerk sent correspondence to Plaintiff disqualifying
Plaintiff from the above-referenced General Election alleging that Plaintiff's qualifying check
(Check 1007), written on his campaign account, had been "returned" by a financial institution.

JURISDICTION AND VENUE

3. The Court has jurisdiction pursuant to the Florida Constitution, Art.V, §5(b) and Art.V, §20(c), as implemented by Florida Statutes, Section 26.012(3) and Chapter 86, and, Florida Rule of Civil Procedure 1.610.

4. This action pertains to the August 30, 2016, General Election held by the City of Miami Gardens, which will be in the City; therefore, venue properly lies in this Court.

PARTIES

5. Plaintiff, JAMES BARRY WRIGHT, is a citizen, resident, voter and elector of the City of Miami Gardens.

6. Defendant, the CITY OF MIAMI GARDENS ("City"), is a municipality of the State of Florida.

7. Defendant, RONETTA TAYLOR ("City Clerk), as the City of Miami Gardens City Clerk, serves as the Filing Officer to determine candidate qualification pursuant to §99.061(7)(c), Fla. Stat. (2015). As the Filing Officer, the City Clerk performs a ministerial function in reviewing qualifying papers, and shall determine whether all necessary items have been properly filed and whether each item is complete on its face. The Filing Officer also makes the determination whether a candidate is properly qualified to run for elected office.

STATEMENT OF RELEVANT FACTS

8. Plaintiff brings this action in his capacity as a citizen, resident and voter of the City who has been adversely affected by the decision of the City Clerk disqualifying him as a candidate for the August 30, 2016, General Election, and who has no adequate remedy at law.

9. Plaintiff's position is that the City improperly and wrongfully disqualified him as a candidate for the August 30, 2016, General Election, and has subsequently taken action to

prevent him from rightfully participating as a candidate for the office of Mayor of the City of Miami Gardens.

10. On or about, June 1, 2016, Plaintiff provided Check 1007 to Defendant, in the amount of \$620.00, drawn on Wells Fargo Bank (Account#: XXXXX40616), as part of the process to be qualified as a Mayoral Candidate for the City of Miami Gardens.

11. The end of the qualifying period for the City of Miami Gardens General Election was June 2, 2016, at 4:00 p.m.

12. During the period of June 2, 2016, and June 8, 2016, Defendant presented Check 1007 to their financial institution in an effort to negotiate payment with Plaintiff's financial institution, Wells Fargo, for payment on Check 1007.

13. On or about June 8, 2016, Defendant was notified that Plaintiff's Check 1007 was not negotiated for payment against Plaintiff's campaign account, because Plaintiff's account was unable to be located (see Exhibit A).

14. Plaintiff was not notified by Defendant, at any time, subsequent to providing Check 1007 to Defendant on June 1, 2016, and receiving the letter from the City Clerk on June 20, 2016, that his campaign account with Wells Fargo Bank could not be located.

15. On June 20, 2016, the City Clerk, Ms. Ronetta Taylor sent correspondence to Plaintiff disqualifying him from the above-referenced General Election (see Exhibit B).

STATUTORY REQUIREMENTS

16. §99.061(7)(a)(1), Fla. Stat. (2015), provides, *in pertinent part*, as follows:

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless

the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

17. Plaintiff's Check 1007 was not properly presented for payment against Plaintiff's campaign account. Moreover, the reason for Plaintiff's Check 1007 not being properly presented against Plaintiff's campaign account is apparently unknown.

18. Defendant also failed to immediately notify Plaintiff of the above-referenced matter concerning payment from his campaign account, as required by §99.061(7)(a)(1), Fla. Stat. (2015).

19. Further, Plaintiff's account does not show any activity where Check 1007 was ever properly presented by any financial institution for payment against the campaign account. Moreover, Plaintiff's account was not charged any fees for "insufficient funds" or "returned items" by Wells Fargo Bank associated with Check 1007.

20. As of May 31, 2016, Plaintiff's campaign account had a balance of \$4,895.12, which was well in excess of the amount needed to qualify as a candidate in the City of Miami Gardens General Election (see Exhibit C).

COUNT I

21. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs one (1) through nineteen (19) as though fully set forth herein.

22. Plaintiff is being unjustly disqualified as a Mayoral Candidate for the City of Miami Gardens, after properly and timely submitting all necessary documentation to qualify as a candidate pursuant to § 99.061(7)(a)(1), Fla. Stat. (2015).

23. Moreover, the City's reasoning for disqualifying him as a candidate in the August 30, 2016, General Election are not based on the facts or the law.

24. There is no evidence presented by the City that Plaintiff's Check 1007 was ever rejected for payment by Wells Fargo Bank. The documentation relied on by the City to disqualify Petitioner was that Wells Fargo Bank "could not locate" Petitioner's account -- not that Plaintiff's account did not exist (see Exhibit A).

25. There is unrefuted evidence that Petitioner had an active campaign account with Wells Fargo Bank, which had a sufficient balance on June 1, 2016, to cover the Check 1007 written for qualifying fees.

26. The City has failed to establish that Plaintiff's qualifying check was "returned" by Wells Fargo within the context of § 99.061(7)(a)(1), Fla. Stat. (2015), and has also failed to show that Plaintiff's financial institution was ever presented with Check 1007 for payment against his campaign account. The City has also failed to show that Plaintiff's financial institution specifically refused to provide payment from Plaintiff's account after receiving Check 1007.

27. The reasons provided by the City for disqualifying Plaintiff are meritless, and are unsupported by any evidence. Accordingly, voters of the City are being prevented from considering Plaintiff as a viable candidate for the office of Mayor of Miami Gardens based on a technical "glitch" surrounding the proper processing and presentation of Plaintiff's Check 1007 to his financial institution for payment of his qualifying fee.

WHEREFORE, Plaintiff respectfully requests the following:

1. A Declaration that the CITY OF MIAMI GARDENS, disqualification of him from the August 30, 2016, General Election was improper, and not done pursuant to § 99.061(7)(a)(1),

Fla. Stat. (2015);

2. An Order enjoining the City from referring to Plaintiff as a disqualified candidate for the office of Mayor of Miami Gardens for the upcoming August 30, 2016, General Election;

3. An Order requiring the City to ensure that Plaintiff's name is included on all official campaign materials and information regarding the upcoming August 30, 2016, General Election;

4. An award of cost and attorney's fees to the extent permitted by law; and

5. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: 

JAMES BARRY WRIGHT

James Wright Campaign

3816 Hollywood Blvd, Ste. 203

Hollywood, FL 33021-6750

(305)469-6373 - telephone

Jwrightmg16@gmail.com (primary e-mail)

jbarrywright@aol.com (secondary e-mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via e-mail and process server to: Mayor Oliver Gilbert III, on behalf of the City of Miami Gardens, Florida, 18605 NW 27th Avenue, Miami Gardens, Florida 33056, ogilbert@miamigardens-fl.gov, this 30th day of June, 2016.


JAMES BARRY WRIGHT

WELLS FARGO BANK N.A.
P.O. BOX 63020
SAN FRANCISCO, CA 94163

182

WELLS
FARGO

"EXHIBIT A"

006097 W9TR1260

CITY OF MIAMI GARDENS



18605 NW 27TH AVE

MIAMI GARDENS FL 33056-3106

ITEMS ENCLOSED: 1

PAGE 1 OF 1 ACCOUNT CHARGED XXXXXX5627 DATE: 06-08-2016

	REASON FOR NON-PAYMENT	SEQUENCE #	AMOUNT
DEPOSITORY ACCOUNT NUMBER:	XXXXXX5627		
YOUR ACCOUNT HAS BEEN CHARGED FOR THE FOLLOWING PAPER ITEM(S) RETURNED UNPAID.			
	Unable to Locate	3332288110	620.00
TOTAL CHARGES FOR PAPER RETURNS			620.00

TOTAL CHARGES FOR PAPER RETURNS

620.00

SHOULD YOU HAVE ANY QUESTIONS OR REQUIRE ADDITIONAL INFORMATION, PLEASE CALL THE **1000016**
PHONE NUMBER THAT IS LISTED ON YOUR BANK STATEMENT.

W9TTH260 006097 160225633293 NNNNNN NNNNNN NNNNNN 000002 CMGRPTA 024941



Office of
The City Clerk
ADDRESS HAS BEEN REDACTED PURSUANT TO 119.01

Ronetta Taylor, MMC
City Clerk

June 20, 2016

James Wright

Miami Gardens, FL 33169

RE: City of Miami Gardens General Election, August 30, 2016

Dear Mr. Wright:

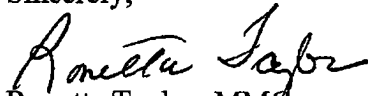
The City of Miami Gardens opened its qualifying period Thursday, May 26, 2016 and ended it on Thursday June 2, 2016 at 4:00 PM; for the City of Miami Gardens General Election scheduled for Tuesday, August 30, 2016. On June 1, 2016, at approximately 2:37 PM, you appeared in my Office to qualify for the City of Miami Gardens General Election as a candidate for Mayor.

You paid the qualifying fee in the amount of \$620.00, with a starter check from Wells Fargo Bank. I was notified on Thursday, June 16, 2016, at approximately 5:30 PM by the City of Miami Gardens Finance Department that the check had been returned because the account number on the check could not be located.

Pursuant to F.S. 99.061(7)(2)(1), located on page 26 of the Elections Laws of the State of Florida, which you were provided a copy of "if a candidate's check is returned for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate".

Unfortunately, qualifying ended June 2, 2016, therefore you are hereby disqualified. A copy of the returned check as well as the applicable state law is being provided.

Sincerely,


Ronetta Taylor, MMC
City Clerk

Attachment(s)

Certified Mail #7015-0640 0004 7987 9292

06/08/2016*

This is a LEGAL COPY
of your check. You can
use it the same way
you would use the
original check.

RETURN REASON - E
UNABLE TO
LOCATE ACCT

UN LOCATE ACCT
Do Not Re-deposit

WELLS FARGO BANK

1007

BRAN... NORTH MIAMI BEACH, FL 33179

DATE 05/31/16

63-781/531

PAY TO THE ORDER OF

James M. Wright
James M. Wright

\$ 620.00

DOLLARS

JAMES M. WRIGHT
JAMES WRIGHT CAMPAIGN
3818 HOLLYWOOD AVE STE 203
HOLLYWOOD FL 33021-6750

James M. Wright *James M. Wright*

9999999999

W971260 006697 16022631323 NNNNN NNNNN NNNNN 000002 CN9121A 024941

than the office of the state attorney or the public defender.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. 99.095 with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3) Notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office shall qualify between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election. Candidates for single-county special districts shall qualify with the supervisor of elections in the county in which the district is located. If the district is a multicounty district, candidates shall qualify with the Department of State. All special district candidates shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s. 99.095. Notwithstanding s. 106.021, a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository.

(4)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(5) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(6) The Department of State shall certify to the supervisor of elections, within 7 days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the Department of State.

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section which do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

EXHIBIT C

WELLS
FARGO

Account number: [REDACTED] ■ May 1, 2016 - May 31, 2016 ■ Page 2 of 3

Transaction history

Date	Check Number	Description	Deposits/ Credits	Withdrawals/ Debits	Ending daily balance
5/2				150.00	
5/2			500.00		
5/2			100.00		4,237.85
5/3				42.73	4,195.12
5/11			200.00		4,395.12
5/27			500.00		4,895.12
Ending balance on 5/31					4,895.12
Totals			\$1,300.00	\$192.73	

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

Summary of checks written (checks listed are also displayed in the preceding Transaction history)

Number	Date	Amount
	5/2	150.00

Monthly service fee summary

For a complete list of fees and detailed account information, please see the Wells Fargo Fee and Information Schedule and Account Agreement applicable to your account or talk to a banker. Go to wellsfargo.com/feefaq to find answers to common questions about the monthly service fee on your account.

Fee period 05/01/2016 - 05/31/2016	Standard monthly service fee \$10.00	You paid \$0.00
How to avoid the monthly service fee	Minimum required	This fee period
Have any ONE of the following account requirements		
• Average ledger balance	\$500.00	\$4,395.00 <input checked="" type="checkbox"/>

C1/C1

Account transaction fees summary

Service charge description	Units used	Units Included	Excess units	Service charge per excess units (\$)	Total service charge (\$)
Cash Deposited (\$)	0	3,000	0	0.0030	0.00
Transactions	10	50	0	0.50	0.00
Total service charges					\$0.00

016682



1000021

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY

JAMES BARRY WRIGHT,

Plaintiff,

v.

CITY OF MIAMI GARDENS, a
Florida municipal corporation, and
RONETTA TAYLOR, the
City of Miami Gardens City Clerk,
in her official capacity,

Defendants

Case No. 16-16248 CA01 (04)
CIVIL DIVISION

FILED FOR RECORD
2016 JUN 30 AM 11:06
11TH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA
23

**EMERGENCY MOTION TO EXPEDITE PRELIMINARY MOTION FOR
INJUNCTIVE RELIEF AND FOR ENTRY OF TEMPORARY RESTRAINING ORDER**

COMES NOW, JAMES BARRY WRIGHT ("Plaintiff"), hereby moves this Court for an expedited consideration of his Motion for Preliminary Injunctive Relief. Plaintiff further moves the Court for entry of a temporary restraining order enjoining Defendant, CITY OF MIAMI GARDENS ("Defendant"), from removing Plaintiff's name as an eligible candidate from any official ballots or associated materials for the Mayoral Election within the City of Miami Gardens prior to the August 30, 2016 General Election. In support thereof, and in addition to the reasons previously set forth in the in the Memorandum of Law accompanying Plaintiffs' Motion for Preliminary Injunctive Relief, Plaintiff states as follows:

1. On or about June 1, 2016, Plaintiff provided Check 1007 to Defendant, in the amount of \$620.00, drawn on Wells Fargo Bank (Account#: XXXXX40616), as part of the process to be qualified as a Mayoral Candidate for the City of Miami Gardens (see Exhibit A). The end of the qualifying period for the City of Miami Gardens General Election ("General Election") was June 2, 2016, at 4:00 p.m.

2. During the period of June 2, 2016, and June 8, 2016, Defendant presented Check 1007 to their financial institution in an effort to negotiate payment with Plaintiff's financial institution, Wells Fargo, for payment on Check 1007.

3. On or about June 8, 2016, Defendant was notified that Check 1007 was not negotiated for payment with Wells Fargo Bank, because Plaintiff's account was unable to be located.

4. Plaintiff was not notified by Defendant on or about June 8, 2016, that his account with Wells Fargo could not be located.

5. On June 20, 2016, the Defendant's City Clerk, Ms. Ronetta Taylor, sent correspondence to Plaintiff disqualifying him from the above-referenced General Election due to a "returned check" on Plaintiff's campaign account, and cited to §99.061(7)(2)(1), Fla. Stat. (2015) as the applicable state law.

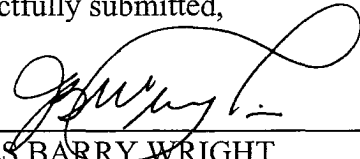
6. The Plaintiff's position is that Check 1007 was not properly presented to Wells Fargo Bank for payment against Plaintiff's campaign account, which carried an unencumbered balance of \$4,895.12 on the date the qualifying check was written on May 31, 2016. Furthermore, Plaintiff has subsequently verified with Wells Fargo Bank that there is no record of Plaintiff's Check 1007 ever being properly presented to Wells Fargo for payment against Plaintiff's campaign account.

7. In approximately two (2) months, duly registered voters of the City of Miami Gardens will have an opportunity to vote in the City's General Election. Prior to the City's "disqualification" determination given, nineteen (19) days after the end of qualifying period, the Plaintiff was running an active and vibrant candidacy for the office of Mayor for the City of Miami Gardens.

8. Given the short amount of time remaining before the August 30th General Election, and the significant harm suffered by the Plaintiff due to this wrongful disqualification, the Plaintiff urges the Court to impose an expedited hearing schedule regarding Plaintiff's Motion for Preliminary Injunctive Relief. Additionally, a temporary restraining order is warranted to prevent Defendant from removing Plaintiff's name from any official ballots or election materials until the Court has had an opportunity to rule on Plaintiffs' Motion for Preliminary Injunctive Relief.

WHEREFORE, based on the above-referenced information, Plaintiff, JAMES BARRY WRIGHT respectfully requests that the Court grant this Emergency Motion to Expedite Preliminary Injunctive Relief and for entry of a Temporary Restraining Order to prevent the City of Miami Gardens from disqualifying him as candidate in the current City of Miami Gardens Mayoral Election scheduled for August 30, 2016.

Respectfully submitted,

By: 
JAMES BARRY WRIGHT
James Wright Campaign
3816 Hollywood Blvd, Ste. 203
Hollywood, FL 33021-6750
(305)469-6373 - telephone
Jwrightmg16@gmail.com (primary e-mail)
jbarrywright@aol.com (secondary e-mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via e-mail and process server to: Mayor Oliver Gilbert III, on behalf of the City of Miami Gardens, Florida, 18605 NW 27th Avenue, Miami Gardens, Florida 33056, ogilbert@miamigardens-fl.gov, this 30th day of June, 2016.


JAMES BARRY WRIGHT

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY

JAMES BARRY WRIGHT,

Plaintiff,

v.

CITY OF MIAMI GARDENS, a
Florida municipal corporation, and
RONETTA TAYLOR, the
City of Miami Gardens City Clerk,
in her official capacity,

Defendants \

Case No. _____
CIVIL DIVISION

16-16248 CA01 (04)

FILED FOR RECORD
2016 JUN 30 AM 11:06
CLERK OF CIRCUIT & COUNTY CLERKS
MIAMI-DADE COUNTY, FLORIDA

**MOTION FOR PRELIMINARY INJUNCTIVE RELIEF AND
INCORPORATED MEMORANDUM OF LAW**

COMES NOW, JAMES BARRY WRIGHT ("Plaintiff"), and hereby files this Motion for Preliminary Injunctive Relief, to prevent the CITY OF MIAMI GARDENS ("Defendant") from referring to him as a disqualified candidate in the current City of Miami Gardens General Election.

In support thereof, Plaintiff alleges as follows:

1. On or about, June 1, 2016, Plaintiff provided Check 1007 to Defendant, in the amount of \$620.00, drawn on Wells Fargo Bank (Account#: XXXXX40616), as part of the process to be qualified as a Mayoral Candidate for the City of Miami Gardens.

2. The end of the qualifying period for the City of Miami Gardens General Election was June 2, 2016, at 4:00 p.m.

3. During the period of June 2, 2016, and June 8, 2016, Defendant presented Check 1007 to their financial institution in an effort to negotiate payment with Plaintiff's financial institution, Wells Fargo, for payment on Check 1007.

4. On or about June 8, 2016, Defendant was notified that Plaintiff's Check 1007 was not negotiated for payment against Plaintiff's campaign account, because Plaintiff's account was unable to be located (see Exhibit A).

5. Plaintiff was not notified by Defendant on or about June 8, 2016, that his account with Wells Fargo could not be located.

6. On June 20, 2016, the City Clerk, Ms. Ronetta Taylor sent correspondence to Plaintiff disqualifying him from the above-referenced General Election due to a "returned check" on Plaintiff's campaign account, and cited to §99.061(7)(2)(1), Fla. Stat. (2015) as the applicable state law (see Exhibit B).

7. §99.061(7)(a)(1), Fla. Stat. (2015), provides, *in pertinent part*, as follows:

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

8. Check 1007 was not returned by Plaintiff's financial institution, Wells Fargo Bank, because it was never properly presented for payment against Plaintiff's campaign account. Moreover, the reason for Check 1007 not being properly presented to Wells Fargo Bank is unknown.

9. Plaintiff's account does not show any activity where Check 1007 was ever presented by any financial institution for payment against Plaintiff's campaign account. Additionally,

Plaintiff's account was not charged any fees for "insufficient funds" or "returned items" by Wells Fargo Bank associated with Check 1007.

10. Plaintiff was not notified by Defendant, at any time, subsequent to providing Check 1007 to Defendant on June 1, 2016, and receiving the letter from the City Clerk on June 20, 2016, that his campaign account with Wells Fargo Bank could not be located.

11. As of May 31, 2016, Plaintiff's campaign account had a balance of \$4,895.12, which was well in excess of the amount needed to qualify as a candidate in the City of Miami Gardens General Election (see Exhibit C).

Argument and Incorporated Memorandum of Law

12. The City of Miami Gardens is a Florida municipality created and with authority under Art. VIII, §2, Fla. Const.

13. The Court has jurisdiction pursuant to Art. V, §5, Fla. Const. and may issue injunctions according to §26.012(3) Fla. Stat. (2015).

14. The issuance of a preliminary injunction is an extraordinary remedy which should be granted sparingly, which must be based upon a showing of the following criteria: (1) The likelihood of irreparable harm; (2) the unavailability of an adequate remedy at law; (3) substantial likelihood of success on the merits; and (4) considerations of the public interest. Thompson v. Planning Com'n of City of Jacksonville, 464 So.2d 1231, 1236 (1st DCA 1985); See Islandia Condominium Association, Inc. v. Vermut, 438 So.2d 89 (Fla. 4th DCA 1983); Playpen South, Inc. v. City of Oakland Park, 396 So.2d 830 (Fla. 4th DCA 1981). Furthermore, one of the most valuable phases of injunctions is to prevent an injury from occurring and not to be forced to wait until after the damage is done and then attempt to seek redress for the same. See generally Lewis v. Peters, 66 So.2d 489, 492 (Fla. 1953).

15. Here, in dealing with the first and second criteria established in Thompson, the harm demonstrated by Plaintiff is being unjustly disqualified as a Mayoral Candidate for the City of Miami Gardens, after properly and timely submitting all necessary documentation to qualify as a candidate pursuant to § 99.061(7)(a)(1), Fla. Stat. (2015). Moreover, the remedy at law, an action for damages, would be inadequate because of the fact that the General Election will be held on August 30, 2016; thus, damages to the Plaintiff from being prevented in participating with his campaign efforts are speculative and unascertainable. Accordingly, the harm is therefore irreparable and the remedy at law inadequate.

16. The third element required for a preliminary injunction is substantial likelihood of success on the merits. This element, as applied to the facts before us, involves a consideration of whether the Defendant properly disqualified Plaintiff as a candidate for Mayor of the City of Miami Gardens. Thompson at 1237. In the instant case, the check in question (Check 1007) was never properly presented to Wells Fargo Bank for payment against Plaintiff's account; therefore, payment was not refused.

17. Additionally, there is no evidence presented by Defendant that Plaintiff's Check 1007 was ever rejected for payment by Wells Fargo Bank. The documentation relied on by the Defendant to disqualify Plaintiff was that Wells Fargo Bank "could not locate" Plaintiff's account -- not that Plaintiff's account did not exist (see Exhibit A). This is a major distinction which leads to substantial likelihood of success on the merits of this case. There is unrefuted evidence that Plaintiff had an active campaign account with Wells Fargo Bank, which had a sufficient balance on June 1, 2016, to cover the Check 1007 written for qualifying fees. It is also apparent that there was a technical "glitch" involving the manner in which Plaintiff's check was presented for payment to Wells Fargo Bank, which did not allow the Bank to properly negotiate the transaction to clear the requested and available funds from Plaintiff's campaign account. Subsequently, this is why

Plaintiff's account does not show that Check 1007 cleared the account, or why there is no record showing that Check 1007 was ever presented against Plaintiff's account for payment.

18. Finally, the fourth element is to determine whether the ability to properly qualify for public office is in the public interest, and whether the granting of preliminary injunctive relief against an improper disqualification of a candidate for public office serves the public interest. See generally Thompson at 1237. The capability of a city or municipality to distinguish between a technical "glitch" involving a transaction on a negotiated instrument, and the returning of said negotiated instrument due to insufficient funds or inadequate bank account documentation is a definitely a matter of public interest and concern. In the current case, the determination of the City of Miami Gardens Filing Clerk, Ms. Ronetta Taylor, seems to penalize Plaintiff for an unknown technical error in the processing of his qualifying check. Given the fact that the general public relies heavily on the use of checks, checking accounts, and financial institutions to transact everyday business, the outcome of this matter is definitely within the public interest.

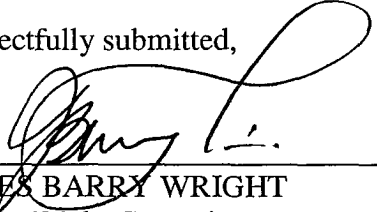
19. Although the City purports to rely on the case of Levey v. Detzner, 146 So. 3d 1224 (1st DCA 2014), where Plaintiff's check was refused by the bank for payment because of a hold placed on the account by the bank in error, the current case is distinguishable. In Detzner, Plaintiff's qualifying check was returned by her bank after being presented for payment against her account, and the Court held that the reason for Plaintiff's check was returned by the bank was immaterial. Subsequently, since payment was refused by Plaintiff's bank after the qualifying period, she was unable to cure the deficiency within statutory timeframes, and was ultimately disqualified. See Detzner at 1226.

20. Accordingly, Plaintiff's position in the instant case is that the Defendant, the CITY OF MIAMI GARDENS, has failed to establish that his qualifying check was "returned" by Wells Fargo within the context of § 99.061(7)(a)(1), Fla. Stat. (2015). Defendant has not shown that

Wells Fargo Bank was ever presented with Check 1007 for payment against Plaintiff's campaign account, and that said Bank refused to provide payment from Plaintiff's account after receiving Check 1007. Further, the Defendant also failed to immediately notify Plaintiff of this matter, thereby preventing him from taking steps to research and/or rectify the situation with Wells Fargo regarding why his check was not properly negotiated for payment.

WHEREFORE, based on the above-referenced information, Plaintiff, JAMES BARRY WRIGHT, respectfully requests that this Court grant this Motion for Injunctive Relief, to prevent the CITY OF MIAMI GARDENS from disqualifying him as candidate in the current City of Miami Gardens Mayoral Election scheduled for August 30, 2016, based on having a "returned check".

Respectfully submitted,

By: 
JAMES BARRY WRIGHT
James Wright Campaign
3816 Hollywood Blvd, Ste. 203
Hollywood, FL 33021-6750
(305)469-6373 - telephone
Jwrightmg16@gmail.com (primary e-mail)
jbarrywright@aol.com (secondary e-mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via e-mail and process server to: Mayor Oliver Gilbert III, on behalf of – City of Miami Gardens, 18605 NW 27th Avenue, Miami Gardens, Florida 33056, ogilbert@miamigardens-fl.gov, this 30th day of June, 2016.


JAMES BARRY WRIGHT

ORIGINAL
MOTION TO DISMIS

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 16-16248 CA 01 (04)

JAMES BARRY WRIGHT,

Plaintiff,

v.

CITY OF MIAMI GARDENS, a
Florida Municipal Corporation, and
RONETTA TAYLOR, the City
of Miami Gardens City Clerk,
in her official capacity,

Defendant(s)

**DEFENDANTS' COMBINED MOTION TO DISMISS AND
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR INJUNCTION
(With incorporated memorandum of law)**

Defendants, CITY OF MIAMI GARDENS ("City") AND RONETTA TAYLOR, ("City Clerk"), by and through undersigned Counsel, hereby file this Motion to Dismiss and Response in Opposition to Plaintiff's Motion for Injunction with Incorporated Memorandum of Law in the above styled matter and would state as follows:

INTRODUCTION

In all election related matters, the overarching priority of all parties involved is the protection of the integrity of the vote and the protection of the voter's right to have an election free of chaos and confusion. Plaintiff has filed an action that runs contrary to those goals and it must be dismissed for a number of reasons. First, Plaintiff has failed to state a proper cause of action, does not likely possess the standing to sue and has brought this claim too late to obtain the relief he

seeks. Second, Plaintiff has failed to name an indispensable party in order to obtain relief. Lastly, the relief Plaintiff has requested would disrupt the current election, disenfranchise the voters of Miami Gardens and cause chaos to the electoral process. Accordingly, as the relief requested would disrupt the election, injunctive relief is unavailable as it would harm the public interest.

FACTS

1. On February 1, 2016, Plaintiff, WRIGHT, in his attempt to run for Mayor of Miami Gardens, Florida, filed his Statement of Candidate (DS-DE 84) and his Appointment of Campaign Treasurer (DS-DE 9). [See Defendant's Supplemental Exhibit "1", Filing Papers of JAMES BARRY WRIGHT]
2. Qualifying for the Miami Gardens election began on May 26, 2016. [See Defendant's supplemental Exhibit "2", Miami-Dade Elections Calendar of Election Dates]
3. Plaintiff, WRIGHT, attempted to qualify on June 1, 2016 with what appears to be a "temporary" or "starter" check. [See Complaint ¶ 10, Complaint Exhibit "A".]¹
4. Qualifying for the Miami Gardens election ended on June 2, 2016. [See Defendant's supplemental Exhibit "2", Miami-Dade Elections Calendar of Election Dates]
5. On June 16, 2016, the City Clerk was informed by the City's Finance Department that WRIGHT'S designated campaign depository, Wells Fargo Bank had informed the Finance Department that the check that WRIGHT presented in his attempt to qualify to run for Mayor could not be paid by the Bank. As such, the City Clerk contacted WRIGHT to

¹ Any exhibit attached to a pleading shall be considered a part thereof for all purposes. Fla. R. Civ. P. 1.130(b). In considering a motion to dismiss, the trial court is required to consider the exhibits attached to the complaint. *Blue Supply Corp. v. Novos Electro Mech., Inc.*, 990 So. 2d 1157, 1157, (Fla. 3d DCA. 2008); *Santiago v. Mauna Loa Invs., LLC*, 189 So. 3d 752, (Fla. 2016).

inform him that because the time to re-submit the qualifying check had passed, he was now disqualified from running for office. [See Plaintiff's Complaint, Exhibit "B".]

6. On June 30, 2016, Plaintiff filed the above titled action seeking declaratory and injunctive relief, in an effort to be qualified as a candidate for Mayor of Miami Gardens.
7. Plaintiff did not file any accompanying action for Mandamus.
8. Plaintiff has not named Christina White, the Miami-Dade County Supervisor of Elections as a party to this action even though it is Miami-Dade County who is responsible for printing ballots and conducting the election.
9. Subsequent to being informed of his disqualification from the election, Plaintiff has made no attempt to comply with the requirements of candidates for office and has thus not filed further campaign finance reports due respectively on July 1, 2016 or July 15, 2016. [See Defendant's supplemental Exhibit "3", Campaign Finance Reports of JAMES B. WRIGHT.]
10. On July 2, 2016, the Miami-Dade County Supervisor of Elections began the process of typesetting all of the different ballot styles used in the August 30, 2016 primary election.
11. On July 5, 2016, Plaintiff served the City Clerk with the above titled action. Although the Complaint and the subsequently filed Motion were both labeled "Emergency", no immediate hearing was set at that time.
12. In his Complaint, which was filed, *pro se*, WRIGHT provided his address as 3816 Hollywood, Florida. [See Plaintiff's Complaint. P. 6]
13. On or about July 11, 2016, the Miami-Dade Supervisor of elections began the process of printing all of the paper ballots to be mailed to those electors wishing to vote by mail (formerly referred to absentee ballots) in this election.

14. On July 16, 2016, in accordance with F.S. § 101.62(4), the Miami-Dade County Supervisor of elections mailed ballots to overseas voters. As per the same statute, the ballots, which have already been printed, are set to be mailed to domestic and in-state voters on August 2, 2016.

ARGUMENT

I.

FAILURE TO STATE A PROPER CAUSE OF ACTION, LACK OF STANDING & LACHES

Upon a motion to dismiss a complaint for failure to state a cause of action, all material allegations of the complaint are taken as true. Those allegations are then reviewed in light of the applicable substantive law to determine the existence of a cause of action. *Blue Supply Corp. v. Novos Electro Mech., Inc.*, 990 So. 2d 1157, 1157, (Fla. 3d DCA 2008). The Complaint filed in this case, fails to state a cause of action and shows the Plaintiff lacks standing to file it, even when viewed in light of the substantive, applicable law. In this case, even if all of the allegations made in the Complaint are taken as true, the Plaintiff is still not entitled to the relief he seeks.

The Plaintiff seeks a declaration from this Court that F.S. § 99.061((7) requires his reinstatement to the ballot for Mayor. He is wrong. The interpretation of a statute is a purely legal matter. *Stock Building Supply of Florida, Inc. v. Soares Da Costa Construction Services, LLC.*, 76 So. 3d 313, 316 (Fla. 3d DCA 2012). A review of a statute must commence with the plain meaning of the actual language contained therein. *Diamond Aircraft Industries, Inc. v. Horowitch*, 107 So. 3d 362, 367 (Fla. 2013). Examining the plain language of the statute will give effect to legislative intent. *Id.*; F.S. § 99.061(7)(a)(1) provides in pertinent part as follows:

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. **If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account.** [emphasis added]. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

Fla. Stat. §99.061(7)(a)(1) is clear on its face even without interpretation but it is also clear that the statutes intended that the end of the candidate qualifying period was the last day in which a candidate could make good on a check that had not been paid by the bank. The purpose of this is simply common sense as the elections officials have only a limited amount of time in which to prepare the ballot for the election.

In this case, WRIGHT made several errors that doomed both his ability to qualify for the ballot as well as his ability to seek relief. First, WRIGHT still had temporary checks for some reason and did not have permanent checks with the campaign name printed clearly on the check. Second, WRIGHT for some reason waited until the day before the end of qualifying to submit his final papers instead of the week before which could have reduced the room for any error. Finally, WRIGHT could have sought immediate injunction the day after he was informed he was disqualified rather than taking his time. As of the date of the filing of this Motion, the ballots have been printed, overseas vote by mail ballots have already been mailed to electors and the Miami Dade Elections Department is preparing to mail the domestic ballots. Furthermore, after being notified by the City Clerk that he was disqualified, WRIGHT stopped complying with all campaign finance laws and did not file any further campaign finance reports. As such, we don't even have

any report that shows any expenditure for the check he attempted to qualify with. WRIGHT has not even provided bank records; a telling sign the check was not paid.

It is evident by the facts of this case that the bank may have erred in not paying WRIGHT'S check to Miami Gardens. However, even if the bank made a mistake, Plaintiff is not entitled to the declaration that he seeks. "Even though a potential state legislature candidate's bank indicated that its return of the check was due to bank error, this statute [Fla. Stat. §99.061(7)(a)(1)] precluded the grant of any relief to the candidate because she failed to cure the deficiency in her filing prior to the end of the candidate qualifying period." *Levey v. Detzner*, 146 So. 3d 1224, 1225, (Fla. 1st DCA, 2014). Plaintiff's argument that the check was not presented to his account for processing is misplaced because the bank noted that the account could not be found, so it is not surprising that the check was not be presented against his account. That, however, does not negate the fact that the check was "returned for any reason" in accordance with Fla. Stat. §99.061(7)(a)(1). The Florida Department of State, Division of Elections has opined that the decision of whether to qualify a candidate rests with the qualifying officer. DE 09-01. Moreover, the qualifying officer has no authority to take any actions on errors in qualifying papers after the qualifying period has ended. *Id.* The City Clerk did not even have discretion in determining that Plaintiff had not qualified for the election and in not requesting that the Dade County Supervisor of Election place his name on the ballot, based upon Fla. Stat. §99.061(7)(a)(1). The judgment of officials duly charged with carrying out the election process should be presumed correct. See *Boardman v. Esteve*, 323 So. 2d 259 (Fla. 1975).

Plaintiff also argues that the City Clerk failed to notify him immediately that his check was returned. However, this argument is a red herring, because Plaintiff has also admitted that he submitted his qualification papers on June 1, 2016, one day before the qualifying period ended.

To be exact, in accordance with the letter from the Clerk which is attached to the Complaint, Plaintiff presented his qualification papers and check at 2:37 p.m. on June 1, 2016. This means that because Plaintiff waited until one day before qualifying ended to file his papers, there was no way that the bank would even have the opportunity to return the check before the end of qualifying. Regardless of the Plaintiff's arguments, the Court's decision in *Levey v. Detzner* still stands and no matter how unfortunate, nothing can negate the fact that WRIGHT'S qualifying check was still not paid by the bank and therefore he failed to qualify to run for Mayor. The Clerk was doing her statutory duty and carries the presumption of performing in a statutory and lawful manner absent the sufficient showing of the contrary. *Boardman v. Esteve*, 323 So.2d 259 (Fla. 1975) Most importantly in this case, rather than seeking immediate relief and continuing to act like a candidate, WRIGHT stopped all campaign activities, did not file any more campaign finance reports and waited until after overseas vote by mail ballots had been sent to seek a hearing.

The Florida Declaratory Judgment Act is remedial in nature and should be broadly construed. *Dept. of Environmental Protection v. Garcia*, 99 So. 3d 539, 544 (Fla. 3d DCA 2011). However, in order to properly invoke the jurisdiction of the circuit court, a party seeking declaratory relief must not only show that he or she is in doubt as to the existence or nonexistence of some right or status, but also that there is a bona fide, actual, present, and practical need for the declaration. *Id.* WRIGHT no longer has any immediate need for a declaration because the election has already commenced and he is not on the ballot.

As WRIGHT is no longer an active candidate, he no longer possess standing to bring this action. While it may seem like a circular argument, as he is specifically suing to be re-instated as a candidate, the fact that he has neglected to abide by all of the laws required of a candidate, weigh against his ability to still be considered one. More importantly, WRIGHT files this action and

signs the Complaint by listing his address OUTSIDE the City of Miami Gardens. By WRIGHT'S own admission, he does not possess the standing to bring this matter forward because he has not properly established that he is a qualified elector in Miami Gardens. Although he alleges his residency in the Complaint, he neglects to attach any other documentation to the Complaint. Because the Court can only rely on the address he provides in the filing of this action, he is not a resident or qualified elector in the City Miami Gardens and therefor has no standing to sue.

Even if WRIGHT had standing and stated a proper cause of action, WRIGHT is too late to sue because this election has begun and his case is now barred by Laches. Courts are generally hesitant to intervene in election cases when litigants have not acted diligently as "there is no constitutional right to procrastinate." *Dobson v. Dunlap*, 576 F. Supp. 2d 183 (D. Ma 2008); see also *Fulani v. Hogsett*, 917 F. 2d 1028, 1031 (7th Cir. 1991) (Laches "in the context of elections...means that any claim against a state electoral procedure must be expressed expeditiously"). "The test of laches is whether there has been a delay which has resulted in the injury, embarrassment or disadvantage of any person, but particularly the persons against whom relief is sought." *City of Eustis v. Firster*, 113 So.2d 260 (Fla. 2nd DCA, 1959) citing *Stephenson v. Stephenson*, 52 So.2d 684 (Fla. 1951). Regardless of how quickly WRIGHT alleges to have brought this action, he did not move his case forward until overseas ballots had been sent and therefore would cause an unfair disadvantage to the party that actually runs the election process, the Supervisor of Elections. WRIGHT, however, did not name her in his action.

II. FAILURE TO NAME AN INDISPENSABLE PARTY

As stated above, this election has already begun. The Miami-Dade County Supervisor of Elections has already mailed out overseas ballots and is currently getting ready to mail the

domestic vote by mail ballots. Plaintiff, however, has failed to name the Miami-Dade County Supervisor of Election in this case even though that is the party that is conducting the election and at this time, the only party that can provide WRIGHT with the relief he seeks. As such, the Complaint should be dismissed for failure to name Christina White, the Miami-Dade County Supervisor of Elections, as a party to this action.

An indispensable party is one whose interest in the controversy makes it impossible to completely adjudicate the matter without affecting either that party's interest or the interests of another party in the action. *Florida Dept. of Revenue v. Cummings*, 930 So.2d 604 (Fla. 2006) The Supervisor of Election prints the ballots and conducts all of the elections for every municipality in Miami-Dade County. As such, without an Order or Judgment directed towards the Miami-Dade County Supervisor of Election, Plaintiff cannot obtain the relief that he seeks in this case. More importantly, any order on this matter would completely disrupt, and therefore affect the interest of, the Supervisor of Elections and affect her ability to conduct the August 30, 2016 election in Miami-Dade County. Accordingly, because WRIGHT has failed to name Christina White, the Supervisor of Elections of Miami-Dade County as a party to this matter, not only must his request for an injunction be denied, his case must be dismissed.

III.

FAILURE TO MEET THE REQUIREMENTS FOR INJUNCTIVE RELIEF

WRIGHT is seeking an injunction from this Court in order to be placed on the ballot in the election for Mayor. There are several problems with WRIGHT'S request. First, WRIGHT has not named the proper parties. Second, an injunction is a preventative measure to begin with and in this case, there is no further action to prevent. A party seeks an injunction in order to prevent someone from conducting an act. The action of disqualifying WRIGHT has already been done

and the list of candidates has already been sent to the Supervisor of Elections by the Clerk. Furthermore, WRIGHT is seeking an affirmative action compelling the Clerk to reinstate his candidacy not trying to enjoin them from doing any action in particular. Accordingly, the proper action (assuming that WRIGHT had standing, had not waited too long to file his action and could still stop the election) would have been a petition to the Court for a Writ of Mandamus in order to compel the Clerk to reinstate WRIGHT. Not only did WRIGHT not file an action for Mandamus, but even if he were to amend his action, Mandamus will only enforce a clearly defined right and can not be used to establish the existence of a right.

Even if we were to assume, for argument's sake, that injunctive relief was the proper action in this case, WRIGHT would still not be entitled to a temporary injunction. To obtain a temporary injunction, a plaintiff must establish: 1) The likelihood of irreparable harm; (2) the unavailability of an adequate remedy at law; (3) substantial likelihood of success on the merits; and (4) considerations of the public interest. *City of Jacksonville v. Naegele Outdoor Advertising Co.*, 634 So.2d 750 (Fla. 1st. DCA, 1994) WRIGHT can not prevail on any of these prongs.

WRIGHT has no likelihood of irreparable harm. While WRIGHT has been disqualified from this election, nothing prevents his candidacy in future elections. Additionally, while citizens have the right to run for office and courts should rarely interfere in the electoral process, individuals running for office do not enjoy absolute rights and they are required to abide by the rules set forth in the statutes or risk disqualification from the ballot. *See Polly v. Navarro*, 457 So.2d 1140 (Fla. 4th DCA, 1984)

Whether or not WRIGHT has any other *adequate* remedy available to him is immaterial at this juncture. WRIGHT could have done many things to avoid his situation. He could have had

regular permanent checks instead of temporary checks when he qualified. He could have had his treasurer constantly check his bank statement to ensure the check was paid. Most important, he could NOT waited to the next to last day to qualify so he would have had more time to rectify his situation. He did none of these things.

WRIGHT has no substantial likelihood of success on the merits of his case. As stated, he has not named the proper parties, he waited too late and has not filed a proper cause of action. Furthermore, the Court has already ruled in an almost identical action in *Levey v. Detzner*, 146 So. 3d 1224, 1225, (Fla. 1st DCA, 2014). Regardless of the bank error, WRIGHT has not even offered proof the check was paid (it wasn't) so there is no evidence he met the requirements to qualify to run for Mayor. Again, had WRIGHT done things in the correct manner stated above, he would not have become victim to an alleged bank error.

Lastly, the primary reason why no injunction can ever be granted in this matter is that the relief that WRIGHT seeks would harm the public interest. This election has already commenced. All the ballots have been printed. Overseas voters have received their ballots. Any change in this election would not only cause a delay to the voters in Miami Gardens, but would affect countless others as well. Had the Supervisor of Election been named properly as a party, she would be able to attest that any change to the ballot in Miami Gardens would affect all county wide and judicial candidates who's name would also be on the ballot, as well as state and federal candidates who's districts include Miami Gardens. Additionally, those federal and state races also include voters outside the city limits who's right to an election free of chaos and uncertainty would be impaired. The entire voting public in Miami-Dade County would be negatively impacted by the relief requested in this case. As such, WRIGHT fails to meet the four prongs required for an injunction, even though injunctive relief is not available to him anyway.

WHEREFORE, Defendants respectfully request that this court deny Plaintiff's Motion for Injunction and dismiss his Complaint with prejudice and deny any and all extraordinary relief demanded or claimed by Plaintiff as well as any other relief the Court deems would be just and equitable.

Respectfully submitted this 20th day of July, 2016 by,

KYMP

Counsel for Defendants
600 Brickell Avenue
Suite 1715

Miami, Florida 33131

Telephone: 305-531-2424

Email: jcplanas@kymplaw.com
aserrano@kymplaw.com

By: s./ J.C. Planas

JUAN-CARLOS PLANAS, ESQ.

Fla. Bar No.: 156167

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via THE EFILING PORTAL on this 20th day of July, 2016, to Counsel for James Barry Wright, Jason M. Murray and Rashad M. Collins, MURRAY LAW, P.A., 201 S. Biscayne Boulevard, Suite 2800 Miami, Florida 33131

KYMP

Counsel for Defendants
600 Brickell Avenue
Suite 1715

Miami, Florida 33131

Telephone: 305-531-2424

Email: jcplanas@kymplaw.com
aserrano@kymplaw.com

By: s./ J.C. Planas

JUAN-CARLOS PLANAS, ESQ.

Fla. Bar No.: 156167

Supplemental Exhibit “1”

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

City of Miami Gardens
Received in the Office of the City Clerk
Date: 3/7/2016
Time: 2:00 PM
By: MS

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☐ Initial Filing of Form Re-filing to Change: ☒ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)

JAMES BARRY WRIGHT

3. Address (include post office box or street, city, state, zip code)

PO BOX 693721
MIAMI, FL 33269

4. Telephone

(305) 469-6373

5. E-mail address

Jwrightmg16@gmail.com

6. Office sought (include district, circuit, group number)

Mayor

7. If a candidate for a nonpartisan office, check if applicable:

☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

9. I have appointed the following person to act as my ☐ Campaign Treasurer ☒ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

JAMES B. WRIGHT

11. Mailing Address

SAME AS ABOVE

12. Telephone

()

13. City

14. County

15. State

16. Zip Code

17. E-mail address

18. I have designated the following bank as my ☐ Primary Depository ☐ Secondary Depository

19. Name of Bank

20. Address

21. City

22. County

23. State

24. Zip Code

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

26. Signature of Candidate

X

Barry Wright

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, JAMES WRIGHT, do hereby accept the appointment
(Please Print or Type Name)

designated above as:

☐ Campaign Treasurer

☒ Deputy Treasurer.

5/7/16

Date

X

Signature of Campaign Treasurer or Deputy Treasurer

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

City of Miami Gardens
Received in the Office of the City Clerk
Date: 2/1/2016
Time: 3:50 PM
By: MA

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☒ Initial Filing of Form Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)

JAMES WRIGHT

3. Address (include post office box or street, city, state, zip code)

PO Box 69-3721
MIAMI, FL 33269

4. Telephone

(305) 469 6373

5. E-mail address

JWRIGHTMG16@gmail.com

6. Office sought (include district, circuit, group number)

MAYOR - CITY of MIAMI GARDENS

7. If a candidate for a nonpartisan office, check if applicable:

☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

9. I have appointed the following person to act as my ☒ Campaign Treasurer ☐ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Roderick Harvey, CPA, CVA

11. Mailing Address

3816 Hollywood Boulevard, Suite 203

12. Telephone

(954) 966-4435

13. City

Hollywood

14. County

Broward

15. State

FL

16. Zip Code

33021

17. E-mail address

rharvey@hct-cpa.com

18. I have designated the following bank as my ☒ Primary Depository ☐ Secondary Depository

19. Name of Bank

WELLS FARGO

20. Address

19500 NW 27 AVE

21. City

MIAMI GARDENS

22. County

MIAMI DADE

23. State

FL

24. Zip Code

33056

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE

25. Date

1-30-16

26. Signature of Candidate

☒

[Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Roderick Harvey, CPA, CVA, do hereby accept the appointment
(Please Print or Type Name)

designated above as:

☒

Campaign Treasurer

☐

Deputy Treasurer.

January 30, 2016

Date

☒

[Signature]
Signature of Campaign Treasurer or Deputy Treasurer

STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

City of Miami Gardens
Received in the Office of the City Clerk

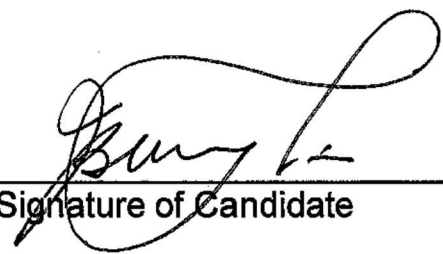
Date: 2/1/2016

Time: 3:50 PM

By: il

I, JAMES B. WRIGHT,
candidate for the office of MAYOR CITY OF MIAMI GARDENS;
have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X


Signature of Candidate

1.30.2016

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

Supplemental Exhibit “2”

ELECTION CALENDAR FOR 2016**Last updated July 6, 2016**

(subject to change)

[January](#) | [February](#) | [March](#) | [April](#) | [May](#) | [June](#)
[July](#) | [August](#) | [September](#) | [October](#) | [November](#) | [December](#)

Please note that Candidate Qualifying Dates are subject to change.
 Questions about municipal elections must be directed to the municipal clerk.
 For a listing of municipal clerks and their contact information, [click here](#).

[Print This Page](#)**January**

Date	Election
01/26/2016	Florida City Biannual Election (Registration Closing - Dec. 28) <i>Candidate Qualifying Dates: December 2, 2015 – December 11, 2015</i>
01/26/2016	Lake Hilda Multipurpose Maintenance Special Taxing District Election (Mail Ballot) (Registration Closing - Dec. 28)
01/26/2016	Lake Patricia Multipurpose Maintenance Special Taxing District Election (Mail Ballot) (Registration Closing - Dec. 28)

February

Date	Election
02/09/2016	South Miami General and Special Elections (Registration Closing - Jan. 11) <i>Candidate Qualifying Dates: November 30, 2015 – December 4, 2015</i>
02/16/2016	Florida City Run-Off Election (Registration Closing - Jan. 19) **CANCELLED**
02/19/2016	Indian Creek General Election (Registration Closing - Jan. 21) **CANCELLED** <i>Candidate Qualifying Dates: January 2, 2016 – January 16, 2016</i>

March

Date	Election
03/15/2016	PRESIDENTIAL PREFERENCE PRIMARY ELECTION (Registration Closing - Feb. 16)
03/15/2016	Miami Referendum Special Election (Registration Closing - Feb. 16)
03/15/2016	Miami Beach Special Election (Registration Closing - Feb. 16)
03/15/2016	Surfside General Municipal Election (Registration Closing - Feb. 16) <i>Candidate Qualifying Dates: November 17, 2015 – December 7, 2015</i>

April

Date	Election
04/05/2016	Bay Harbor Islands General Election (Registration Closing - Mar. 7) <i>Candidate Qualifying Dates: February 25, 2016 – March 4, 2016</i>
04/05/2016	Key Biscayne Special Election (Registration Closing - Mar. 7) **CANCELLED** <i>Candidate Qualifying Dates: February 1, 2016 – February 8, 2016</i>
04/05/2016	Surfside Run-Off Election (Registration Closing - Mar. 7) **CANCELLED**

- 04/12/2016 **Aventura Special Election** (Mail Ballot) (Registration Closing - Mar. 14)
- 04/12/2016 **Riverwood Street Lighting Special Taxing District Election** (Mail Ballot)
(Registration Closing - Mar. 14)
- 04/12/2016 **West Miami Municipal Election** (Registration Closing - Mar. 14) ****CANCELLED****
Candidate Qualifying Dates: February 22, 2016 – February 26, 2016

May

- | Date | Election |
|------------|---|
| 05/05/2016 | Bay Harbor Islands Run-Off Election (Registration Closing - Apr. 6) **CANCELLED** |
| 05/10/2016 | Sky Lake Gardens Condo No. 4 Street Lighting Special Taxing District Election (Mail Ballot) (Registration Closing - Apr. 11) |
| 05/17/2016 | Miami Lakes Special Election (Mail Ballot) (Registration Closing - Apr. 18) |

June

No elections scheduled

July

No elections scheduled

August

- | Date | Election |
|------------|---|
| 08/30/2016 | PRIMARY ELECTION (Registration Closing - Aug. 1)
<i>Candidate Qualifying Dates: See the list of 2016 Candidate Qualifying Dates</i> |
| 08/30/2016 | Key Biscayne Primary Election (Registration Closing - Aug. 1) **CANCELLED**
<i>Candidate Qualifying Dates: June 15, 2016 – June 25, 2016</i> |
| 08/30/2016 | Miami Gardens General and Special Elections (Registration Closing - Aug. 1)
<i>Candidate Qualifying Dates: May 26, 2016 – June 2, 2016</i> |
| 08/30/2016 | Sweetwater Referendum Special Election (Registration Closing - Aug. 1) |

September

No elections scheduled

October

No elections scheduled

November

- | Date | Election |
|------------|--|
| 11/08/2016 | GENERAL ELECTION (Registration Closing - Oct. 11) |
| 11/08/2016 | Aventura General and Special Elections (Registration Closing - Oct. 11)
<i>Candidate Qualifying Dates: August 15, 2016 – August 19, 2016</i> |
| 11/08/2016 | Bal Harbour Regular Election (Registration Closing - Oct. 11)
<i>Candidate Qualifying Dates: August 15, 2016 – August 19, 2016</i> |
| 11/08/2016 | Biscayne Park General Municipal Election (Registration Closing - Oct. 11)
<i>Candidate Qualifying Dates: August 15, 2016 – August 30, 2016</i> |

11/08/2016	Cutler Bay General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: July 26, 2016 – August 12, 2016</i>
11/08/2016	Doral General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: July 5, 2016 – July 19, 2016</i>
11/08/2016	El Portal General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 18, 2016 – August 29, 2016</i>
11/08/2016	Key Biscayne Municipal and Special Elections (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 15, 2016 – August 25, 2016</i>
11/08/2016	Medley General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: July 12, 2016 – August 10, 2016</i>
11/08/2016	Miami Gardens Run-Off Election (Registration Closing - Oct. 11)
11/08/2016	Miami Lakes General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: July 25, 2016 – August 3, 2016</i>
11/08/2016	North Bay Village General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 2, 2016 – August 31, 2016</i>
11/08/2016	Opa-locka General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 1, 2016 – August 12, 2016</i>
11/08/2016	Palmetto Bay General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 1, 2016 – August 12, 2016</i>
11/08/2016	Pinecrest General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 1, 2016 – August 12, 2016</i>
11/08/2016	Sunny Isles Beach General Election (Registration Closing - Oct. 11) <i>Candidate Qualifying Dates: August 16, 2016 – August 19, 2016</i>
11/22/2016	Biscayne Park Run-Off Election (Registration Closing - Oct. 24)
11/22/2016	El Portal Run-Off Election (Registration Closing - Oct. 24)
11/22/2016	North Bay Village Run-Off Election (Registration Closing - Oct. 24)
11/22/2016	Palmetto Bay Run-Off Election (Registration Closing - Oct. 24)
11/22/2016	Pinecrest Run-Off Election (Registration Closing - Oct. 24)
11/29/2016	Cutler Bay Run-Off Election (Registration Closing - Oct. 31)
11/29/2016	Miami Lakes Run-Off Election (Registration Closing - Oct. 31)
11/29/2016	Opa-locka Run-Off Election (Registration Closing - Oct. 31)

December

Date	Election
12/06/2016	Sunny Isles Beach Run-Off Election (Registration Closing - Nov. 7)
12/13/2016	Doral Run-Off Election (Registration Closing - Nov. 14)

[Top](#)

Supplemental Exhibit “3”

**FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) JAMES WRIGHT CAMPAIGN

Name

(2) P.O. Box 69-3721

Address (number and street)

Miami, Florida 33269

City, State, Zip Code

☐ CHECK IF ADDRESS HAS CHANGED

OFFICE USE ONLY

City of Miami Gardens

Received in the Office of the City Clerk

Date: 3/10/2016

Time: 6:30 pm

By: AT

(3) ID Number: APPLIED FOR

(4) Check appropriate box(es):

☒ Candidate (office sought): MAYOR MIAMI GARDENS

☐ Political Committee

☐ Committee of Continuous Existence

☐ Party Executive Committee

☐ Electioneering Communication

☐ CHECK IF PC HAS DISBANDED

☐ CHECK IF CCE HAS DISBANDED

☐ CHECK IF NO OTHER ELECTIONEERING
COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 02 / 01 / 2016 To 02 / 29 / 2016 Report Type M02-16

☒ Original ☐ Amendment ☐ Special Election Report ☐ Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 350.00

Loans \$ 100.00

Total Monetary \$ 450.00

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 80.00

Transfers to Office Account \$ _____

Total Monetary \$ 80.00

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 450.00

(10) TOTAL Monetary Expenditures To Date

\$ 80.00

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) RODERICK HARVEY, CPA, CVA

☐ Individual (only for electioneering commun.) ☒ Treasurer ☐ Deputy Treasurer

X 
Signature

I certify that I have examined this report and it is true, correct, and complete.

(Type name) JAMES B WRIGHT

☒ Candidate ☐ Chairperson (only for PC, PTY & electioneering commun. organization)

X 
Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name JAMES WRIGHT CAMPAIGN

(2) I.D. Number APPLIED FOR

(3) Cover Period 02 / 01 / 2016 through 02 / 29 / 2016

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
02 / 08 / 2016	JAMES B WRIGHT P.O. Box 69-3721 Miami, Florida 33269	LOA		CAS		100.00
CASH						
02 / 26 / 2016	ADRIAN ROGERS 10325 NW 11TH STREET PEMBROKE PINES, FL 33026-3901	I	EDUCATO R	CHECK		250.00
1062						
02 / 27 / 2016	DR. KATSIA CADEAU STEPHENSON 2320 E PRESERVE WAY APT 208 MIRAMAR, FL 33025	I	EDUCATO R	CHECK		100.00
/ /						
/ /						
/ /						
/ /						

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name JAMES WRIGHT CAMPAIGN (2) I.D. Number APPLIED FOR
 (3) Cover Period 02 / 01 / 2016 through 02 / 29 / 2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
02 / 10 / 16	TRAYVON MARTIN FOUNDATION	ADVERTISING	MON		\$80.00
01					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) JAMES WRIGHT CAMPAIGN

Name

(2) P.O. Box 69-3721

Address (number and street)

Miami, Florida 33269

City, State, Zip Code

☐ CHECK IF ADDRESS HAS CHANGED

(3) ID Number: APPLIED FOR

(4) Check appropriate box(es):

☒ Candidate (office sought): MAYOR MIAMI GARDENS

☐ Political Committee

☐ Committee of Continuous Existence

☐ Party Executive Committee

☐ Electioneering Communication

☐ CHECK IF PC HAS DISBANDED

☐ CHECK IF CCE HAS DISBANDED

☐ CHECK IF NO OTHER ELECTIONEERING
COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 03 / 01 / 2016 To 03 / 31 / 2016 Report Type M03-16

☒ Original ☐ Amendment ☐ Special Election Report ☐ Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 5,715.00

Loans \$ 200.00

Total Monetary \$ 5,915.00

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary
Expenditures \$ 290.24

Transfers to Office
Account \$ _____

Total
Monetary \$ 290.24

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 5,915.00

(10) TOTAL Monetary Expenditures To Date

\$ 290.24

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) RODERICK HARVEY, CPA, CVA

☐ Individual (only for electioneering commun.) ☒ Treasurer ☐ Deputy Treasurer

X

Signature

I certify that I have examined this report and it is true, correct, and complete.

(Type name) JAMES B WRIGHT

☒ Candidate ☐ Chairperson (only for PC, PTY & electioneering commun. organization)

X

Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name JAMES WRIGHT CAMPAIGN (2) I.D. Number APPLIED FOR
 (3) Cover Period 03 / 01 / 2016 through 03 / 31 / 2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
03 / 10 / 16	ADRIAN ROGERS 10325 NW 11TH STREET PEMBROKE PINES, FLORIDA 33026	RETURN	MONETAR Y		\$250.00
01					
03 / 10 / 16	WELLS FARGO BANK	RETURN ITEM FEE	MONETARY		\$12.00
02					
03 / 31 / 16	PAYPAL	MERCHANT CHARGES	MONETAR Y		\$28.94
03					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name JAMES WRIGHT CAMPAIGN

(2) I.D. Number APPLIED FOR

(3) Cover Period 03 / 01 / 2016 through 03 / 31 / 2016

(4) Page 1 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number						
03 / 01 / 2016	HUMBERTO NELSON SANTOS	I ADMINSTRATOR	CHECK			100.00
01	Exempt per FSS 19.07.					
03 / 09 / 2016	PAUL MARIE ELIE P.O. BOX 613536 NORTH MIAMI BEACH FLORIDA 33261	I BUSINESS	CHECK			50.00
02						
03 / 09 / 2016	ALEXANDER REBB INCORPORATED 19030 NW 54TH AVE MIAMI FLORIDA 33055	I BUSINESS	CHECK			500.00
03						
03 / 09 / 2016	WORLDWIDE SYSTEMS GROUP LLC PO BOX 693015 MIAMI, FLORIDA 33269	I BUSINESS	CHECK			100.00
04						
03 / 09 / 2016	LAW OFFICE OF CHRISTINE KING 1270 NW 131ST STREET MIAMI, FLORIDA 33167	I BUSINESS	CHECK			1000.00
05						
03 / 09 / 2016	CAPRON AND ASSOCIATES LLC 4175 INVERRARY DR 412 LAUDERHILL, FL 33319	I BUSINESS	CHECK			100.00
06						
03 / 07 / 2016	ENVISION GLOBAL WEALTH MGMT INC 1560 NW 96 AVENUE PLANTATION, FL 33322	I BUSINESS	CHECK			100.00
07						
03 / 09 / 2016	LEISHA M AUSTIN 10669 SW 20TH COURT MIRAMAR, FLORIDA 33025	I BUSINESS	CHECK			200.00
08						

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name JAMES WRIGHT CAMPAIGN

(2) I.D. Number APPLIED FOR

(3) Cover Period 03 / 01 / 2016 through 03 / 31 / 2016

(4) Page 2 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
03 / 09 / 2016	PRIME TAX SERVICES INC 473 NE 167TH STREET NORTH MIAMI BCH, FL 33162	I	BUSINESS	CHECK		750.00
09						
03 / 09 / 2016	HCT CERTIFIED PUBLIC ACCOUNTANTS 3816 HOLLYWOOD BLVD STE 203 HOLLYWOOD FL 33021	I	BUSINESS	CHECK		750.00
10						
03 / 09 / 2016	INNER URBAN CONSTRUCTION 10194 NW 47TH STREET SUNRISE FL 33351	I	BUSINESS	CHECK		500.00
11						
03 / 03 / 2016	RODNEY SANCHEZ EXEMPT PER FSS 119.07	I	RETIRED	CHECK		100.00
12						
03 / 03 / 2016	BARBARA HUNTER 20170 NE 3RD COURT UNIT 1 MIAMI, FL 33179	I	CONSULTANT	CHECK		100.00
13						
03 / 05 / 2016	DIDEROT SYLVAIN 280 RACQUEST CLUB ROAD APT 202 WESTON, FL 33326	I	CONSULTANT	CHECK		100.00
14						
03 / 10 / 2016	CATHY WANZA 1960 NW 172ND STREET MIAMI GARDENS, FL 33056	I	CONSULTANT	CHECK		50.00
15						
03 / 17 / 2016	ADRIAN ROGERS 10325 NW 11TH STREET PEMBROKE PINES, FL 33026	I	EDUCATOR	CHECK		265.00
16						

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name JAMES WRIGHT CAMPAIGN

(2) I.D. Number APPLIED FOR

(3) Cover Period 03 / 01 / 2016 through 03 / 31 / 2016

(4) Page 3 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
03 / 22 / 2016	MICHALE CABREJOS 8827 NW 149TH TERRACE MIAMI LAKES, FL 33018	I CONSULTA NT	CHECK			100.00
17						
03 / 25 / 2016	BEVERLY MORRISON 7549 REDBUD TRACE LITHONIA, GA 30038	I CONSULT ANT	CHECK			50.00
18						
03 / 25 / 2016	SHIRLEY MCCLAIN 7320 NW 2ND AVENUE APT.102 MIAMI, FL 33150	I CONSULT ANT	CHECK			150.00
19						
03 / 25 / 2016	ALBERT STEPHENSEN 4435 NW 65TH STREET COCONUT CREEK FLORIDA 33065	I RETIRED	CHECK			100.00
20						
02 / 27 / 2016	DR KATSIA CADEAU STEPHENSON 2320 EPRESERVE WAY APT 208 MIRAMAR, FL 33025	I EDUCATO R	CHECK			100.00
21						
02 / 26 / 2016	ADRIAN ROGERS 10325 NW 11TH STREET PEMBROKE PINES, FL 33026	I EDUCATO R	CHECK			250.00
22						
/ /						
/ /						
/ /						
/ /						

City of Miami Gardens

MAY 10 2016

FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) JAMES WRIGHT CAMPAIGN

Name

(2) P.O. Box 69-3721

Address (number and street)

Miami, Florida 33269

City, State, Zip Code

☐ CHECK IF ADDRESS HAS CHANGED

(3) ID Number: APPLIED FOR

(4) Check appropriate box(es):

☒ Candidate (office sought): MAYOR MIAMI GARDENS

☐ Political Committee

☐ Committee of Continuous Existence

☐ Party Executive Committee

☐ Electioneering Communication

☐ CHECK IF PC HAS DISBANDED

☐ CHECK IF CCE HAS DISBANDED

☐ CHECK IF NO OTHER ELECTIONEERING
COMMUNICATION REPORTS WILL BE FILED

OFFICE USE ONLY

City of Miami Gardens
Received in the Office of the City Clerk

Date: 5/10/2016

Time: 8:15 AM

By: [Signature]

(5) REPORT IDENTIFIERS

Cover Period: From 04 / 01 / 2016 To 04 / 30 / 2016 Report Type M04-16

☒ Original ☐ Amendment ☐ Special Election Report ☐ Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 1,200.23

Loans \$

Total Monetary \$ 1,200.23

In-Kind \$

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 1,994.68

Transfers to Office Account \$

Total Monetary \$ 1,994.68

(8) Other Distributions

\$

(9) TOTAL Monetary Contributions To Date

\$ 7,565.23

(10) TOTAL Monetary Expenditures To Date

\$ 2,364.92

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) RODERICK HARVEY, CPA, CVA

☐ Individual (only for electioneering commun.) ☒ Treasurer ☐ Deputy Treasurer

X [Signature]
Signature

I certify that I have examined this report and it is true, correct, and complete.

(Type name) JAMES B WRIGHT

☒ Candidate ☐ Chairperson (only for PC, PTY & electioneering commun. organization)

X [Signature]
Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name JAMES WRIGHT CAMPAIGN

(2) I.D. Number APPLIED FOR

(3) Cover Period 04 / 01 / 2016 through 04 / 30 / 2016

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
04 / 01 / 2016	PATRICE BRANTLEY 1040 NE N LITTLE RIVER DRIVE MIAMI, FL 33138	I EDUCATOR	CHECK			\$100.00
01						
04 / 10 / 2016	ERIC PETTUS 411 SW 10TH STREET APT 3 HALLANDLE BEACH, FL 33009	I BUSINES S	CHECK			\$200.00
02						
04 / 23 / 2016	SMASHING EVENTS INC 12976 SW 108TH STREET CIRCLE MIAMI, FL 33186	I BUSINES S	CHECK			\$100.00
03						
04 / 24 / 2016	ADAM BURDEN II EXEMPT	I ADMINIS TRATOR	CHECK			\$250.00
04						
04 / 24 / 2016	MS URSULA T WRIGHT 14355 NW 15TH DRIVE MIAMI, FL 33167	I BUSINES S	CHECK			\$550.00
05						
04 / 06 / 2016	PAYPAL VERIFYBANK	I		CREDIT		0.06
06						
04 / 06 / 2016	PAYPAL VERIFYBANK	I		CREDIT		0.17
07						
/ /		I				

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name JAMES WRIGHT CAMPAIGN (2) I.D. Number APPLIED FOR
 (3) Cover Period 04 / 01 / 2016 through 04 / 30 / 2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
04 / 06 / 16	PAYPAL	MERCHANT FEES	MONETAR Y		\$9.53
01					
04 / 12 / 16	MR COPY PRINTING 3683 NW 135TH STREET OPA LOCKA, FLORIDA 33054	POST CARDS	MONETARY		\$150.00
02					
04 / 12 / 16	JAMES WRIGHT 3816 HOLLYWOOD BOULEVARD STE 203 HOLLYWOOD, FL 33021	ADVERTISING	MONETAR Y		\$15.75
03					
04 / 12 / 16	JAMES WRIGHT 3816 HOLLYWOOD BOULEVARD STE 203 HOLLYWOOD, FL 33021	PHOTOGRAPHY	MONETARY		\$254.40
04					
04 / 12 / 16	JAMES WRIGHT 3816 HOLLYWOOD BOULEVARD STE 203 HOLLYWOOD, FL 33021	REIMBURSEMENT/ LOAN	MONETARY		\$100.00
05					
04 / 12 / 16	MR. HUBERT CAMPBELL 640 N.E. 149th STREET MIAMI, FLORIDA 33161	CONSULTING FEES	MONETARY		\$1,000.00
06					
04 / 27 / 16	CHRIS I GRAPHICS DESIGN, INC 1624 NW 188TH TERRACE MIAMI GARDENS, FL 33169	PALM CARDS	MONETARY		\$50.00
07					
/ /					

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name JAMES WRIGHT CAMPAIGN (2) I.D. Number APPLIED FOR
 (3) Cover Period 04 / 01 / 2016 through 04 / 30 / 2016 (4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
04 / 29 / 16	US PRINT PRO INC 1672 NE 205TH TERRACE MIAMI, FLORIDA 33179	CANVASSING WALK LIST	MONETAR Y		\$265.00
09					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) JAMES WRIGHT CAMPAIGN

Name

(2) P.O. Box 69-3721

Address (number and street)

Miami, Florida 33269

City, State, Zip Code

☐ **CHECK IF ADDRESS HAS CHANGED**

OFFICE USE ONLY
 City of Miami
 Received in the Office of the City Clerk

Date: 6/8/2016

Time: 5:10 PM

By: [Signature]

(3) **ID Number:** APPLIED FOR

(4) **Check appropriate box(es):**

☒ **Candidate (office sought):** MAYOR MIAMI GARDENS

☐ **Political Committee**

☐ **Committee of Continuous Existence**

☐ **Party Executive Committee**

☐ **Electioneering Communication**

☐ **CHECK IF PC HAS DISBANDED**

☐ **CHECK IF CCE HAS DISBANDED**

☐ **CHECK IF NO OTHER ELECTIONEERING
 COMMUNICATION REPORTS WILL BE FILED**

(5) REPORT IDENTIFIERS

Cover Period: From 05 / 01 / 2016 To 05 / 31 / 2016 Report Type M05-16

☒ **Original** ☐ **Amendment** ☐ **Special Election Report** ☐ **Independent Expenditure Report**

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 1,300.00

Loans \$ _____

Total Monetary \$ 1,300.00

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary
 Expenditures \$ 192.73

Transfers to Office
 Account \$ _____

Total
 Monetary \$ 192.73

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 8,865.23

(10) TOTAL Monetary Expenditures To Date

\$ 2,557.65

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) RODERICK HARVEY, CPA, CVA

☐ Individual (only for electioneering commun.) ☒ **Treasurer** ☐ Deputy Treasurer

[Signature]

Signature

I certify that I have examined this report and it is true, correct, and complete.

(Type name) JAMES B WRIGHT

☒ **Candidate** ☐ Chairperson (only for PC, PTY & electioneering commun. organization)

[Signature]

Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name JAMES WRIGHT CAMPAIGN (2) I.D. Number APPLIED FOR

(3) Cover Period 05 / 01 / 2016 through 05 / 31 / 2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number						
05 / 02 / 2016	MATTHEW & SANDRA BOYD EXEMPT	I	EDUCATOR	CHECK		\$500.00
01						
05 / 02 / 2016	ERICA CARTER EXEMPT	I	EDUCATOR	CHECK		\$50.00
02						
05 / 02 / 2016	DR. TONYA CARTER EXEMPT	I	BUSINESS	CHECK		\$50.00
03						
05 / 11 / 2016	DR. VANESSA WALKER P.O BOX 245487 PEMBROKE PINES, FL 33024	I	BUSINESS	CHECK		\$200.00
04						
05 / 27 / 2016	MOD FUNDING WE FUND FUNERALS WRIGHT & YPUNG FUNERAL HOME 2750 N 29TH AVE STE 200 HWD., FL 33020	I	BUSINESS	CHECK		\$500.00
05						
/ /		I				
/ /		I				
/ /		I				

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name JAMES WRIGHT CAMPAIGN

(2) I.D. Number APPLIED FOR

(3) Cover Period 05 / 01 / 2016 through 05 / 31 / 2016

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
05 / 02 / 16	MR COPY PRINTING 3683 NW 135TH STREET OPA LOCKA, FLORIDA 33054	PRINTING/ADVER TISEMENT	MONETAR Y		\$150.00
01					
05 / 03 / 16	HARLAND CLARKE CHECKS WELLS FARGO BANK	CAMPAIGN CHECK ORDER	MONETARY		\$42.73
02					
// /					
// /					
// /					
// /					
// /					
// /					

MOTION TO TAKE **JUDICIAL NOTICE**

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 16-16248 CA 01 (04)

JAMES BARRY WRIGHT,

Plaintiff,

v.

CITY OF MIAMI GARDENS, a
Florida Municipal Corporation, and
RONETTA TAYLOR, the City
of Miami Gardens City Clerk,
in her official capacity,

Defendant(s)

DEFENDANTS' MOTION TO TAKE JUDICIAL NOTICE

Defendants, CITY OF MIAMI GARDENS ("City") AND RONETTA TAYLOR, ("City Clerk"), by and through undersigned Counsel, pursuant to Florida Rules of Evidence 90.202 and 90.203, respectfully requests that the Court take judicial notice of the following documents in accordance with Florida Statute Section 90.202, which documents fall within the ambit of section 90.202 and are relevant to this case. Defendants have requested such judicial notice in connection with the hearing for Summary Judgment scheduled by this Court set for July 22, 2016 at 1 PM .

1. Filing paperwork (DS-DE 9 and DS-DE 84) of James Wright. These are public documents kept by the clerk in the process of candidates filing to run for office.
2. Printout of Calendar of relevant election dates printed from the website of the Miami-Dade County Supervisor of Elections.

3. Campaign Finance Reports of James Wright. These are public documents kept by the clerk in the process of candidates running for office in accordance with Florida Statutes, Chapter 106.

WHEREFORE, Defendants respectfully request that the Court take judicial notice of the aforementioned documents.

Respectfully submitted this 22nd day of July, 2016 by,

KYMP

Counsel for Defendants

600 Brickell Avenue

Suite 1715

Miami, Florida 33131

Telephone: 305-531-2424

Email: jcplanas@kymplaw.com

aserrano@kymplaw.com

By: s./ J.C. Planas

JUAN-CARLOS PLANAS, ESQ.

Fla. Bar No.: 156167

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via THE EFILING PORTAL on this 22nd day of July, 2016, to Counsel for James Barry Wright, Jason M. Murray *and* Rashad M. Collins, MURRAY LAW, P.A., 201 S. Biscayne Boulevard, Suite 2800 Miami, Florida 33131

KYMP

Counsel for Defendants

600 Brickell Avenue

Suite 1715

Miami, Florida 33131

Telephone: 305-531-2424

Email: jcplanas@kymplaw.com

aserrano@kymplaw.com

By: s./ J.C. Planas

JUAN-CARLOS PLANAS, ESQ.

Fla. Bar No.: 156167

ORIGINAL ORDER
DISMISSING THE CASE

James Barry Wright

IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT, IN AND FOR Miami-Dade
COUNTY, FLORIDA

V.

Case No.: 16-16248

City of Miami-Gades ETAL

ORDER

THIS CAUSE having come on to be heard on this 22 day of July 2016, on
Plaintiff's/Defendant's Motion to Dismiss

and the Court having considered the record, having heard counsel, and being otherwise advised in the Premises, it is
hereupon ORDERED AND ADJUDGED that said Motion be, and the same is hereby

Motion is Granted. Plaintiff has 10
day to amend and include Miami-Dade
Supervisor of Elections

DONE AND ORDERED in Chambers, at

this 22 day of July 2016

Miami-Dade County, Florida

Circuit Judge

Bronwyn Catherine Miller
Circuit Court Judge

Copies furnished:

1000073